

ZINIOPPATIA,
 THE
Sifters Sieve broken.
 OR, A
REPLY

To Doctor Boughen's sifting my Case of Conscience
 touching the Kings Coronation Oath.

WHEREIN IS

*That Bishops are not Jure Divino.
 That their sole Government, without the help of
 Presbyters, is an usurpation, and an innovation.
 That the Kings Oath at Coronation, is not to be
 extended to preserve Bishops, with the ruine of
 Himself and Kingdoms.*

*Quoniam homines vocabula quo jam Ecclesiam obtinuit; Episcopum Pres-
 byterum major. Aug. Ep. 19.*

Communis Presbyterorum consilio regabatur Ecclesiae Hieron. in Tit. 1.

*Let the Peace of God rule, and sway in your hearts; to the which also, ye are
 called in our Lord, Col. 3. 15.*

By **John Gower, M.A.** and Pastor of St. Faiths
 under Pauls, in London.

LONDON,

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Printed for Christopher Marshall, at the Sign of the Crown
 in Pauls Church-yard, 1685.

*Shy
 glory*

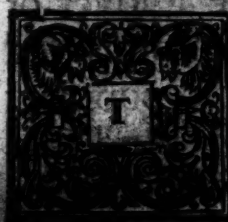
*R
 15th
 1685*



TO THE
RIGHT VVORSHIPFUL

Sir Francis Neherfolt, of Neherfolt, Knight:
Grace and Peace.

Much Honoured Sir, *in Love by him*



Hough the great respect, which you have been pleased to vouchsafeme, might be engagement sufficient to this Scholastical gratitude; Yet the suitableness of the subject, added much to my inclination, in this way, to let the world know, that I am in the number of those, who are grateful

honou-

The Epistle Dedicatory.

honourers of your Learning, and
Godliness. The Book I present
to you, is Polemical; But the in-
tention of my contention is Ireni-
cal. As it is Polemical, your learn-
ing renders you able to judg of it.
As it is Irenical, your piety (which
bears the old stamp) will incline
you to imbrace it; for all that
know you thoroughly, will give
you testimony, to be a lover of
peace, as it is a thing commanded
of God, not as it is popular,
and pleasing to men; And that
you have been a perswader of it;
not for private, but publique in-
terest; not because it is easie, but
holy; having had as deep a sence,
as any of the sad sufferings of your
dear Countrey; in her honour,
strength, wealth, and Religion;
by

The Epistle Dedicatory.

by the present unnatural War.

Sir, In this Paper-Combat, I have met with such an Adversary, as makes me need, not onely candor, but succour; yet not against his subtilties, but calumnies: Neither this, to those that know me, but to strangers: for his personal criminations, are such gross mistakes, that they will render him ridiculous, to all that understand my judgment and carriage in these present distractions. But yet they may make me odious, where I am unknown; as I am to most of those of quality, whom this Reply should satisfie. Sir, If your name and testimony, free the person from prejudice with such, that they may ponder the Argument in an equal ballance;

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The Epistle Dedicatory.

ballance, I have enough ; for I never desire more from any Reader, then what the weight of unprejudic'd Reason inclines him to give. Controversies are of themselves troublesome ; especially when they come to Replies, and Rejoynders. Therefore, that I may not add to your trouble, with a long Epistle, praying for an increase of your graces, and blessing on your self, yours, and all your good endeavors, especially those, for an happy Peace, I take leave, and remain

Sir,

From my Study
in St. Dunstons Lane, Sept. 12.
1648.

Yours to serve you
in the Lord Jesus,

J. G.

Epist. John Gorton.

[The

The Preface to the Reader.

PARAG. I.

Detecting the false unjust, and uncharitable dealing
of Doctor Baughin, in his Sifting my *Case of Conscience*
Resolved. Whereby it may appear, whose *Sieve* he
used a *malicious Cribber* to Sift this Resolution.

Christian Reader,



HERE Present unto thee a Reply to an
Answer made to a Book of mine, by a
man I know not; and it seems I am not
known to him. For in it, he charges me
not onely with error in judgment, which
is incident to man. *Humanum est errare*:
But also imputes to me praevius of
intention, both to King and Kingdoms;

which is Diabolicum, the Character of those, whom Satan
possesses, filling their hearts with such corrupt affections. Now
to manifest my innocency, and (at the best) the Doctors great
mistake in these accusations, I know no better way, then that
which Paul took, in a case of malicious accusation before
Felix, and King Agrippa, *Act. 26. verse 4.* To lay
open what my manner of carriage hath been, in this present
National difference; all the irregularities whereof, on
my side my Opponents do set throughout the Book to my charge.
Then march therefore under stand, That in those last annu-
al distributions of our Churches and Clarks, I have been a con-
scientious Student of Peace, and an hearty minister, not onely for the
poor, but the hard and irregular sufferings of whole nations.
And have been conscientiously tender of their duty, wherein

a civior Gracè
cribrum est a-
pud Hesiodum
& Ovidius
scribere apud e-
undem, Cam.
Myiob. Evang.
in Luc. 23. 31.

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The Preface to the Reader.

Psalm. 42. 10.

either by the Word of God, or the legal oaths of this Nation, I stood engaged to my Sovereign. Hence have I, both suffered for him, and with him. And in my sympathies, I was pained the deeper, because I could not but look upon his suffering, as reflecting scandal on our Religion, and Nation. Neither knew I how to excuse those, whom I was bound in conscience, in so great a degree, to love, and honour in their places (as well as his Majesty;) that not to be able to clear them, was (I truly profess) as Davids sword in my bones. This made me restless in my spirit, while there was any thing (within my sphere) for me to do, whereby any, the least, probability appeared to further accommodation. For I stood in dread of a prolonged Civil War, not onely because it would hazard the Honour, and Weal of King and Parliament, in whose Union and mutual safety, was involved the Glory, Strength, and Liberty of this Nation; But also, because I fore-saw what sluices it would set wide open to all excess of riot. And the further the War proceeded, the more was I confirmed in my sad prognosticks of it; For it seemed evident, that though the pretences for War were specious, viz. Truth, and Piety: Either of which, is more precious than Peace; yet unless, by some happy accommodation, War were shortned, we were in great danger to be no small losers, both in Truth and Holyness. Hereupon I drew up a Treatise of accommodation, pressing it with Arguments, by mutual condescension. Which so far had the approbation of some peaceable men of quality, that had not some cross accidents prevented, it may be, it might have seen the light.

While my thoughts were still busied about peace, we had intelligence, where I lived, that the King, sending from Oxford to the Parliament, for a Treaty for Accommodation; had by the Earl of Essex, the Lord General, a short answer returned, with a Copie of the National Covenant enclosed in it. The English whereof was interpreted to be, that unless the Covenant were taken, no accommodation could be expected; whereupon I took a serious view of the Covenant, to see what was in it, that might cause unseparability. The result of my thoughts was, that except the second Article about Episcopacy,

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(mutatis mutandis, those things being altered, that upon Accommodation must have admitted alteration) there was nothing that might greatly scuffle, a mind moderate and peaceable. And for that second Article, considering the government of the Church by Bishops, was never determined by our Church to be Jure Divino; And that we acknowledge, as Sisters, those Churches that have admitted Presbytery; And still what is Humane, is upon good and weighty motives, alterable; And what more weighty motive can be to induce a Prince, to consent to alter what is alterable, then to preserve three flourishing Churches and Kingdoms, from blood and after? The only difficulty, I apprehended, in reference to his Majesty, in that Article (supposing him to be of the same judgement, with this most learned Father, sometimes Bishop, in his Basilicon Doron) rested in his oath at Coronation; which I had read urged strongly, but modestly, in an Anonymous Book, written on the Royal side about this War; and afterwards press'd with more violence, in a Treatise against the Covenant.

On these Books, therefore I resolved to make an essay, whether what was objected in that particular, were solveable. And on this occasion was the Case Resolved first compiled. Which having finished, I communicated to one of the Kings Chaplains (as learned, rational, and sincerely affected to his Majestie, as Doctor Boughen, though not so forward) who agreed with me in desiring, and endeavouring accommodation. He presented it to a Counsellor of State, (a lover of peace, and in good esteem with his Majestie;) What use he made of it, I know not. My own Copy lay dead in my hands, till the King went from Oxford into the Scots Army; By whom being brought to New-Castle, his Majestie had divers disputes with Master Hinderson about this very subject; which occasioned me to review my notes, and shew them to a learned friend, who judging them not incompatible, told the Scots Ministers of the Assembly, of such a Treatise that he had seen; whereupon they desired to see it, either in Print, or in Writing. On this occasion, after some months, if not years, it saw the light. And some Copies being given to the Scots Commissioners,

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The Preface to the Reader.

missioners, they presented one to the King, who read it, and (if my Intelligence fail me not) though he received not satisfaction by it, yet his censures of it, did neither discover passion, nor contempt, but the contrary.

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But Quorum hoc? That the Reader may know, with what an innocent, and upright heart, my Case of Conscience Resolved was composed. The main intention of it being nothing, but a good accommodation, for the honour and safety of Sovereign, and Country. That thereby, not only the uncharitableness, but the impertinency, falseness, and injustice, may appear, of those bitter calumnies, that are every where scattered in the Answerers Treatise, like Uloers in an unsound Body, of which his two Epistles are not free, which come first to rectify Animadversions.

ANIMAD-

PARAG. II.

ANIMADVERSIONS on Doctor Boughen's
two Epistles, clearing the Author of the Case Resol-
ved, from imputations of slighting Authority, and
retorting them on the Accuser.



Doctor Boughen dedicates his Book to the
King, and gives his reason, because, *It is*
a justification of his Coronation-oath, of
his Crown and Dignity; And the
fairest Flower of it, Supremacy.

Touching the Oath, we shall consi-
der in the body of the Book it self. But
what speaks he of defending the Kings
Crown and dignity? As though that were endangered, by
the Case Resolved. Whereas the occasion and intention of
that Treatise, was, (as the Introduction expresseth, and the
matter evidenceth) to prevent that great hazzard of both,
which since they have undergone. And was written by
one, as well affected to his Majesties Crown and dignitie,
and, I doubt, more sincerely then D. B. is. Nor hath he
more need to defend the Kings Supremacy from any dan-
ger that it was in by my Book; For I doubt not, but
(when I come to the last Chapter of his Book, wherein the
point of Supremacy is handled) to make it evident, that I
have detracted nothing of that Supremacie, which the King
doth challenge; Nor, what I had not warrant for,
from his Majesties own Book; No, nor, but what this An-
swerer himself is forced to acknowledge, while, and where he
makes a Mimick thereof.

There is one passage more in this Epistle, which I cannot

pass by. Where he hath spoken of one, *That during the Eclipse of Heaven, durst acknowledge our Saviours King, &c.* He interrogates (with reference to the King) *and shall I be ashamed to do the like?* Give me leave Sir, to answer your question. No wise men will think you need be ashamed of Dedicating a book to his Majesty, though under an Eclipse. But they may doubt, whether you may not be ashamed of making a question of it. 3. And more, whether you may not be ashamed of representing the Author, you answer, as an enemy to the Kings Crown and Dignity; when the Treatise it self bespeaks him quite the contrary. 3. But most of all, whether you may not be ashamed of dedicating a Book, better stored with railing then reason, to so rational a Prince.

In his Epistle to the Reader, he tells him, *Flow being moved by a Friend, to consider of my Case of Conscience, &c. he was willing to undeceive his seduced Countrymen; and so yielded to his request, and found the Treatise small, but dangerous. It aims at the ruin, both of Church and Kingdom. It persuades the King, that his oath at Coronation, as a wicked oath, and that he ought to break it; yea, he affirms it to be vinculum iniquitatis, the bond of iniquity. No sooner read I this, (saith the Doctor) but my heart was hot within me; and while I was musing on this, and the like Blasphemies, the fire kindled within me, and at the last, I spake with my tongue; Why should this Shimei blaspheme my Lord the King? &c.*

Bloody words; but the Prudent Reader will remember, *Si satis sit accusari, quis erit innocens?* If accusation be sufficient proof of a crime, who shall be innocent? And I doubt not, but, by a fair Apology, to stop the mouth of this Slanderer; and prove him to play Ziba's, while I clear my self from acting Shimei's part. For first, whereas he saith, that *this Treatise aims at the ruine, both of the Church and Kingdom.* This is most notoriously false, the scope of it being expressed in the very entrance of it, to be the preservation of both, by Union and Accommodation. For want of which, how both have been hazarded, is evident to every prudent observer of things. Again, for that he saith, *That I tell the King*

Psalm 39. 4.

2 Sam. 16. 4.
67. 8.

"King, that his Coronation-oath is a Wicked oath, yea, affirm it to be, *vinculum iniquitatis*, the bond of iniquity: This is, in part, false, in part uncharitable, and crafty wrangling words, to draw blood out of them; For there is no such expression in all my Book, as that the Kings oath at Coronation, is a wicked oath. And though I use the term, *vinculum iniquitatis*, yet by the expressions annexed, if he had set them down, there would have appeared no such vileness in it as he interprets it; the words are thus; [*The bond of the Kings oath, may be taken off two ways, either by clearing the unlawfulness of it, that it was vinculum iniquitatis, and so void the first day, &c.*] Now here the Reader may observe, that *vinculum iniquitatis*, was used by me, onely to note the unlawfulness of the oath in that particular; and its an usual phrase, to note the unlawfulness of the matter in any oath; yet I did not English it, because it might seem harsher in our Language. Besides, I did not assert, that the Kings oath was unlawful in that point, unless it did engage him to maintain Episcopacy, as then it stood, which the King hath declared it did not, in that he hath offered their regulation by Presbyters. How false then is the Doctor in this also, in positively affirming, that I make the kings oath, *vinculum iniquitatis*? When I do it, onely upon a supposition, which the king denies; yea, and which I did imagine the king might deny; and so declined that way of invalidating the bond of the kings oath, as appears plainly in my Treatise. But whether that argument that I brought, did prove it unlawful, to swear to maintain the Bishops in the power they then executed, will appear, when I come to discover the silliness of the Doctors Answer. And if the oath be proved in that sense unlawful, then I hope tis no offence, but necessary in dispute, so to call it; unless we be to flatter Superiours in what ever they do; and so not honour, but Idolize them, and lay snares for their feet.

But with musing on these, and other blasphemies, fire was kindled in the Doctor. What were these other blasphemies? Those he names not, nor are we ever like to know. But that the fire was kindled, is evident by the fruits of it, but such a fire, that I doubt not, but that the Reader will judge, that he might

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John iii
purity

might for it, more pertinently have cited *Rome* 3. 16. then *Psalms* 39. 4.

After, to present me more odious, he cites a place out of Doctor *Burge's* 1. 1. of the *Sandwich*, teaching him to condemn, and *Seditious* sayings against the *Rulers* of the *Church*, and *rude*, *bitter*, *uncleanly* speeches uttered against *Church*. Also out of *Master* *Gerard's* Sermon before the *Commons*, about *suffering wilfully to blaspheme*, and *spit in the face of our* *Prince*. And affirms, all the *Master* *Gerard* hath done *manifestly*. Hath he used imprecations, or bitter railings against the *Prince*? Hath he used *rude*, *bitter*, *uncleanly* speeches against him? Hath he blasphemed, or spit in the face of *Authority*? Convince all these, or any of these; and you shall finde him ready to repent, and ask God, and his *Prince* forgiveness. But if he hath not done all, no, nor any of these, then is Doctor *Baughen* a malicious Slanderer; and whose agent he is, in these accusations, he may easily see, if he be pleased to view, *Joh. 8. 44.* and *Revel. 12. 10.* But hath not Doctor *Baughen* in truth done that to the *Parliament*, which he falsely accuseth me to have done against the *Prince*? And is not the *Parliament* an *Assembly of Gods*, *Psalms* 82. 1? And nearest in honour and Authority to the king? Nay, hath not he done worse to the king, then any thing that he lays to my charge? For is not perjurie worse, then through incogitancie to swear to something that seems good, but is not lawful? (which is all that can be objected to me to have said in reference to the king.) And doth not Doctor *Baughen* (while he saith, to abolish *Episcopacie* is no more against the kings oath, then to take away their Votes in the *House of Peers*, pag. 87. and that he cannot consent to abolish *Episcopacy* without perjurie, pag. 123. charge the king with perjurie in consenting to a Bill for taking away the Kings priviledg, of Sitting and Voting in the *House of Peers*? Then let him consider, who is *Summus Magis*, and who hath most need to have forgiveness in this particular. Arratching *Summus Magis*, I am sure I never prefer a money (or any Ecclesiastical) Gift, nor Living, and so am free from *Simony*. And to clear me from being a *Magician*,

ph 4

gician, I Printed a Book against judicial *Astrologie* at the
same time with the Treatise, which the Doctor would An-
swer: which hath netted *Lilly* and *Bacon* (two great
friends to the King) near as much as my *Cafe Resolved*, did
Doctor *Banbren*.

He closes with two things. First, He that answers a
"Book, is bound to confute all, but what he approves. This
I deny, unless he mean all that is pertinent and weightie:
For impertinent triflings and railings (of which the Doctors
Book hath too much) deserve no answer, nor the waste of
Paper. The other is, *The Truths be within the Reader to*
be led by his own Reason, Scrutiny, and Judgment.
And therein I fully close with him, so far as *Antiquity*
the third, is guided by the two former, *Scrutiny* and *Reason*.
And so far only it deserves respect. And thus far
for his Epistle.

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May

Reader observe, that in this Treatise, D. B. stands for
Doctor *Banbren*, And D. D. for Doctor in *Divinity*.

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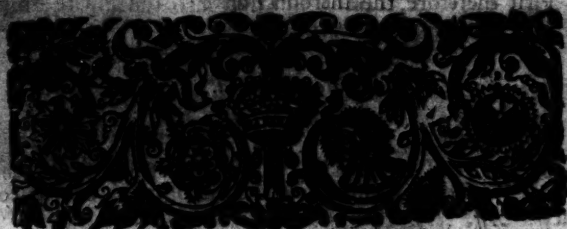
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CHAP. I.

Containing ANIMADVERSIONS ON

Doctor BOUGHENS first Chapter, wherein he
 plays with the Introductions to the dispute, and herein
 is discovered his subtilty in the whole, and ridiculous
 trifling in this part of the Book.



WE have heard your malicious charges
 against the Author of the little Treatise,
 which you undertake to answer. Now
 I must munde the Reader, of a Serpen-
 tine subtilty, that you use, to deceive him
 into a belief of your foul slanders, if
 he be not cautelous; which is, not to set

down the treatise entire, nor to take it in order as it lyes,
 left the view of it; if it had been entirely set down, should
 clearly have tryed false on your slanders; but here and there
 pack some of it in your margens; in what method you
 please. I shall therefore take this course, to set down the
 first Treatise by parts entire, that the Reader may the better
 see judge whether it is true or false, or your Calumny; and
 when I have set down any one part of the said Treatise,
 I shall intreat you to clear what you have objected against it,
 in any part of your prolix Answer.

First therefore, the Introduction into the dispute, matters in my printed Treatise.

Casse Resolved.

VVHether the King (considering his oath at Coronation to protect the clergy, and their privileges) can *salva conscientia* consent to the abrogation of Episcopacy? *Aff.*

When I consider, first, that there is no hope of the Kings or kingdoms safety, without an union between our King and Parliament. Secondly, that such an union is *tantum non impossibile*, unless the King condescend in point of episcopacy: Thirdly; for the King to condescend *repente conscientia*, though it might gratious, it would be sinful in him; and so he should forfeit inward, to procure outward peace; and be represented to himself, in the glass of conscience: to adventure the heavenly, to retain an earthly crown. Fourthly, the oath taken at the Kings Coronation hath been prest by some learned pens, with that probability, that may stumble a right intelligent Reader; neither have they, that I know, received any satisfactory answer in print. Now I conceive, it may be a work worth some paines, to resolve this case, and clear those objections, that, while they stand unanswered, cast an ill reflection, both upon the King, in condescending to abrogate Episcopacy, and the Parliament, in pressing him to it.

This is the introduction; wherein the Reader may see the scope of the Book, to be safety, and union of the King and Parliament; and not the mine of the King, and Kingdoms, as Dr. Roughen unjustly suggested in his Epistle to the Reader. Again, the grounds of understanding the question are followeth; and the reader is desired to attend, in giving them due testimony to clear, that one would think is a first object for duty, when saying, that Dr. Roughen can find out no such business; and that the business is such, that in the 12th of Charles 2. it was declared, that the King's oath at his Coronation was to abrogate Episcopacy, &c.

Dr. saith, I full magnificently determine before the case *Dollar Bangden*
 be so much as proposed. In this the fashion, first to resolve, *pag. 1.*
 and then to propose the case? This may be the course of *chap. 1. par. 1.*
 Heretics, not of Catholics. But you are resolved to main-
 tain, that a Christian may swear, and forswear, without
 the least prejudice to his soul. Thus the Dr. wherein he
 hath given a specimen in the porch, what stuffe we are like to
 meet with in the building; and gives me just cause to be-
 wail my unhappiness, that having as first to deal with learn-
 ed, and rational men, am now fallen into the hands of a
 passionate tricker: for doth not every intelligent man know,
 that though tickles of Books be first set, yet they are last
 made, and usually last printed, and contain in them the
 Summe of the Book? wherein I doubt not he will finde, not
 a magisterial, but so rational a decision, that he will, in an-
 swering it, *hazere in lute*, before I have done with him: For the
 accusation wherewith he closeth his paragraph, being
 groundless rayling, I know where it will reflect shame,
 with the impartial Reader, and therefore it needs no other
 answer, but a peremptory denial; nothing being more ab-
 horrent from my soul, or the scope of this Treatise, then
 either to maintain swearing, or forswearing. But parag.
 2. He affirms my practise is accordingly, because those of my
 profession have taken up armes against their Sovereign, and
 hold the Parliament subordinate to no power under heaven.
 But here his assertions are not onely impertinent to the case,
 but known to be false, by those that know me; but then he
 comes in with a second scornful expression, *that I have taken*
the oath of a canonical obedience; and yet endeavour the
abolition of Episcopacy. But how knows he, that I have
 taken the oath of canonical obedience? sure I am, having
 never had institution, nor induction, it was never propos'd
 me: but because he (a forme) hath been so ready to swear,
 all must him thereto: but what if I had taken the oath?
 I have no conscience, no conscience to seek the abolition
 of Episcopacy: from whence, with I was never forbidden
 by the Divines, to seek it; nay I can assure him, that Dr.
Smith, who imposed hands on me, and in whose hands, *Dr. Smith*

*Salt
Cunt
confound
St. H
in lute
p. 2*

he liv'd, I exercised my Ministry, was of *Jeromes* mind, that a Bishop was an humane creature, as he exprest himself in conference to a friend of mine, and so not unalterable. For his 3 Parag. "*Touching Smectimus making a Bishop and an Elder all one, and thence his wonder, how they indure my proposition, being he knows that Author speaks of Bishop and Presbyter in a Scripture-sense (which anon will cut his combe;) and I speak of a Diocesan Bishop, as now he stands; as he confesseth Parag. 4. That his quirk about Smectimus, and the Masters of the Assembly, is ridiculous trifling, sifter for a boy disputing in Parlor, to lengthen out an argument, then for a D.D. writing a book, in a case of moment.*"

But now to the motives, which "*he saith I produce for the abrogation of Episcopacy,*" he should have said for writing this case about it. For the first, *no hope of the Kings and Kingdoms safety, without union between the King and one Parliament,* he doth not deny it, but "*yet he divides them seditionously: Our King, and your Parliament.*" I acknowledge him as my King, pray and act for him in my speear, as my Sovereign: the King hath written to them as his Parliament, yet the Dr. divides them, though he cannot deny no safety without union: "*For his petitions made in Scriptures phrase, they are from him, as his heart is which I leave to God; and in a good sense say, Amen.*" For the Second ground, *there is no probable means of union, without the Kings consecration in point of Episcopacy.* This, parag. 6. and 7. he denies not, but adds *same things out of his own distempered minde, viz. unless he lay down his hands &c.* Which he cannot prove, though I am truly sorry, that he hath any colour to set them off as credible to any. For the third, "*If the King should do it, conscience conscientia, it would be sinful, &c.*" To this "*Parag. 8. he saith, that I perceive and in a manner confess, that this he would do; for you say it would be sinful to himselfe. That you persuade our Sovereign into sin, &c.*" Was there ever a more false or irrational passage drops from a D.D. pen? do I say it absolutely, when I only say it he should consider, *conscience conscientia?* or do I persuade to sin, when I shew such inconveniencies of sin, as cannot be call'd? But by way

way of amplification, we have another piece of Divinity, worthy such a D. D. *"Every reluctance of conscience makes not a grant sinful, but when my conscience checks me on just grounds. Is this catholic doctrine? I am sure, it is not orthodox; for it is point-blank to Saint Paul, speaking of those that act against conscience, for want of light in indifferent things; and so not on just grounds. Rom. 14. 17. compared with ver. 23. The kingdom of God is not in meat, and drink; but he that doubteth, is damned if he eateth, because he eateth it not of faith; for whatsoever is not of faith, is sin. For the last, that the Communion ought to be kept by learned persons, &c. Who shall take notice of my confession; Parag. 22. Wherein he might observe my candor to my Antagonists, and therein read my intentions, that, not out of distaste to persons but out of love to peace, and with a quiet and well affected heart, to those I oppose, I wrote the resolution of this case; but the Doctors blood-thirsty eyes can see none of this. He hath not so much ingenuity as the Heathen, *virtus in hoste*. No, he was resolved to carry on his Book with railings and scoffs; and I am resolved neither to envy, nor to imitate him, being well assured that such dealing will prejudice both the work and Author, with any pious and prudent Reader. Next he trifles about an expression, *knowing the Kings condescension; (I beseech you, do you know?) who told you, that his Majesty had condescended to his impiety and anti-christian demands, &c. with him.* Whereas he knows, the context of my words evidence them to be spoken hyperbolically, not categorically. But we must give him leave to catch at shows, that want real exceptions. For his other expressions, *"This desire of abrogation of Episcopacy is impious and anti-christian"*; This will appear but too manifestly he can make his Diocesan Lord Bishop an Ordinance of God, which will now come to trial.*

Wherein it is cleared, that the *Commons* are not to abolish *Episcopacy*, root and branch, nor is *Episcopacy* of *Christ's Institution*, in answer to Dr. B. Second Chapter.

Case of Conscience

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NOW the bond of the Kings oath may be taken off two wayes; either by clearing the necessity of it, that it was *unlawful* iniquitous, and so void the first day; For *juramentum iniquum obligat in conscientia*. And if *Prelacy* in the Church be an *usurpation* contrary to *Christ's Institution*, then to maintain it is sin; and all ready to sin, are frustrate. And truly, as *Prelacy* stood with us in England, ingrossing all rule and order in the Church, into the hands of a few *Bishops*, I think, it may be cleared to be an *usurpation*, by this one argument.

That power that disposeth any of *Christ's Officers* of any privilege, and duty indulged, or enjoined them by the word of God; that power is an *usurpation* against the word of God. But this did *Prelacy*, as it stood in England; therefore *English Prelacy*, was an *usurpation* against the word of God.

The Major is clear of it self. The Minor is thus proved: *Presbyters* are by *Christ's warrant*, in Scripture, indued with power to rule in their own congregations, as well as *pastors*. See 1 Tim. 3. 10, 11, 12. Heb. 13. 17. 1 Thess. 5. 12. Now as *Prelacy* stood in England, the *Presbyters* were not only excluded from all society of rule; but, which was more prejudicial to the dignity and liberty of the ministry, were subjected to a lay-Chancellor; and was not *lawful* *usurpation* against Gods direction?

Now what saith Dr. *Banham*? you say *ipse* (saith he) "that the oath which is *juramentum iniquum* is void the first day." And likewise your argument is good; and in it, he will say *ipse*, &c. Cap. 4. Parag. 1. See what a work this

this I shall make you confess to be my meaning, in asserting more then one supremacy in a kingdom, and to be a truth, or I shall make you deny, not Reason onely, but your own words, when I come to answer your last Chapter.

His second Argument is against Ordination by Presbytery, but in that he begs the question, and therefore he refers us for the proof, (that Ordination by Presbyters is against Christs institution) to another place, where we shall meet with it.

Thirdly, He argues, *If Episcopacy in the Church be no usurpation, but Christs institution; then to endeavour the extirpation of it, is sin. But Episcopacy is Christs institution, ergo.* This he doth but propose here, and endeavours to prove hereafter, where his proofs shall be examined.

He proceeds, parag. 4. *"That you, your Assembly and Parliament, have made and taken an Oath to extirpate Episcopacy, is too notorious to be denied."*

Sir, you are the confidentest man, not onely in uncertainties, but falsities, that I have heard. It's neither true, that I made the Covenant; nor notorious, that I have taken it: neither is it true, that the Covenant is to extirpate Episcopacy; but onely, (according to my argument,) Prelacy, as it then stood, that is, by Arch-Bishops, Arch-Deacons, and the rest, in your &c. Oath, as is plain by the expression of the second Article. And therefore you must prove, not onely (as you say) Episcopacy, but Episcopacy as it then stood, not to be contrary to the institution of Christ, before you can prove the Covenant in that clause to be a bond of iniquity; or exempt the Kings oath from unlawfulness in that clause, if it binds to maintain Episcopacy as it then stood.

But say you, *"The Order of Bishops is Christs institution. And yet ye have sworn to up with it, root and branch."*

The former you endeavour to prove; and the latter you take for granted, which is very false, for there is no such expression, nor hint, in the Covenant, as root and branch.

But Christ you say, *"was the root of Episcopacy, who is called the Bishop of our souls; from him it takes its rise."* You are good at assuming, but where's your proof? Why,

"its evident in the Apostles, strictly so called, who had their orders immediately from Christ, parag. 4.

A goodly argument, as though an *Apostle*, and one of your *Lord Bishops* were birds of a feather: Whereas *toto calo differunt*; An *Apostle* was an Officer extraordinary, immediately called and inspired of God, and his office to endure for a time, and your *Bishop* is an ordinary officer, called by man, who you would have to endure for ever. But "to them, say you, he gave power to ordain *Apostles*. False and Atheological. An *Apostle* cannot be created but by God, and had his knowledg by inspiration from God; this is confessed by Divines on all sides. See *Bilson perp. Govern. chap. 2. pag. 106.*

"But you will prove they had power to ordain *Apostles*, Mat. 10.8. *δὲ ἀν ἡμῶν, δὲ ἑαυ δότι, which the Greeks understand thus; a gift ye have received, a gift give.*

But what *Greeks*? Will they understand things against the letter of their natural language? The English of the words to every smatterer in greek, is, *freely you have received, freely give*; and the meaning is plainly, that they should not make merchandize of their gift of miracles; For the whole verse runs thus, *Heal the sick, cleanse the lepers, raise the dead, cast out devils; Freely you have received, freely give.* But what is this to power to create *Apostles*? which speaks onely of their dispensing their gift *gratis*. And so the Authors in your margin, such as I can meet with, for the most part, take it; *ut sit ministratio gratuita muneris gratui, that there might be a free administering of a free gift.* Hil. in *Matth. Can. 10.*

Ergo ne quid in ministerio nostro venale sit, admonemur; Therefore we are admonisht, that nothing in our ministry be set to sale. *Ego minister & Dominus absq; pretio hoc vobis tribui, & vos sine pretio date, ne Evangelij gratia corrumpatur.* Hieron. in *Mat. 10.8.*

Now what are these to your purpose? Only *Gemadine* from this proves ordination should be without price; but this must be but by way of allusion. For do you, Mr Doctor, think that the *Apostles* had power to create *Apostles*, given them

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here, whilst Christ was alive? I hope your second thoughts will be wiser. That Christ renewed the Commission of the Apostles, *Joh. 20. 21. As my father sent me, so send I you, is granted:* but that "*they (as you affirm) upon the strength of this commission ordained some other to be Apostles, conferring on them the same honor and power which they had received from Christ:*" Is an assertion, I know not whether fuller of boldness, or ignorance; yea, in part a very Ball. For first one part, and one of the principal parts of their honour, was, to be called immediatly by Christ; which they could not confer on others, unless you can make Christ and the Apostles individually one, which is impossible. Besides, that there were many other honours peculiar to the Apostles themselves, not communicable to their successors: You may read in *Bilsons perp. Govern. chap. 2. pag. 106.*

But you say, "*this is evident in S. James Bishop of Jerusalem, Epaphroditus Bishop of Philippi, and in Apollos Bishop of Corinth.*" But for S. James, that he was an Apostle Scriptures witness indeed; *Gal. 1. 19.* but that he was ordained of the Apostles, in that Scriptures are silent; nor hath Jerome any such words; but that he was called an Apostle; *illud in causa est, omnes qui dominum viderunt, & cum postea predicassent, fuisse Apostolos nominatos.* He was therefore called an Apostle, because all that had seen the Lord, and afterwards preach't him, were called Apostles; Jerome in *Gal. 1. 19.* But to make a man truly and properly an Apostle, was required somewhat more, *scilicet*, immediate inspiration and mission by Christ, as may be gathered from S. Paul's proving his Apostleship from these, *Gal. 1. 11, 12, 13, 16, 17.* And James was an Apostle truly, and properly, yea, a chief Apostle, *Gal. 1. 2. 9.* And so he is mentioned in the Scripture, as an Apostle in Jerusalem, not a Bishop of Jerusalem. See *Act. 15. 2, 13, 14.* Here James is contained under the name Apostle, with the rest, without any hint of pre-eminence there, as Bishop. And therefore, whereas he is called Bishop of Jerusalem, sometimes by the ancients; that is to be taken but in an *allogue*; not a proper sense, because he exercised his Apostolical function there, while others exercised theirs

theirs else where; and some of the Apostolical power was enululated in the Fathers times by Bishops. But a Bishop there properly he was not, for that were to degrade him: an Apostle being an office extraordinary, and so higher then the ordinary office of Bishop. And such degradation is not onely injurious. But if the resolution of the Chalcedon Counsel be true, cited by *Bilfen*, pag. 280. *To bring back a Bishop to the degree of a Presbyter, is sacrileg;* Then certainly, to bring down an Apostle to the degree of any ordinary Officer (as a Bishop is) cannot want guilt. "*And for Apollos, if he were Bishop of Corinth: I pray you, why did not Saint Paul write to him, when he blames them for not excommunicating the incestuous person? and blame him for that neglect of discipline, and enjoin him to see it done, and not the Church? Or why doth he say, that the censure was inflicted by many, 2 Cor. 2. 6. if Apollos were their Bishop, who alone had power of excommunication; If he be contained under the title of Apostle, 1 Cor. 4. 9. (which Calvin approves not;) yet is he called Apostle, in a large, not strict sense, as contradistinct to other Church-officers, Ephes. 4. 12. For Epaphroditus, indeed he is called, in the Epistle to the Philippians, Your Apostle; but that is most generally taken, as Walo Messalinus confesseth, by Greek and moderne Interpreters; to hint, not the name of a Church-officer, but a messenger from the Church to Saint Paul, as our last translation takes it; and the words following, imply part of his message; he that ministered to my wants. And though Walo Messalinus dissents, yet he confesseth his exposition not to agree so well with propriety of speech. But these (you say) are confessed to be Apostoli ab ipsis Apostolis ordinati. First, this is false; for neither Calvin, nor Messalinus, speak of their Ordination. And the very phrase, an Apostle ordained of Apostles, shews, that the title, Apostle, is taken improperly.*"

But Parag. 7. you say, "*Apostles they were at that time called, but afterwards the name Bishop was settled on them. For this you cite Theodoret. The same persons were sometimes called both Presbyters and Bishops; but those who are*"

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now named Bishops, were then called Apostles; but in process of time, the title of an Apostle was reserved to those that were ἀποστόλοι ἀπὸ τοῦ ἀποστόλου; Apostles properly and truly so called. And the name of Bishop came appropriated to those who were lately called Apostles.

For answer to this, First, I observe you have given us a clear confession out of Theodoret, that Bishops and Presbyters were all one, divers names of the same office.

Secondly, those that Theodoret affirms, that being in his time called Bishops, were formerly called Apostles, were not ἀποστόλοι ἀπὸ τοῦ ἀποστόλου, Apostles truly, but onely called so, because they had preheminance over others in his times, as the Apostles had over others in the first time of the Gospel.

Thirdly, he gives us no proof, that those that are now called Bishops, were formerly called Apostles: and his conjecture is not infallible; Nay, is it not apparently false, that the name of Bishop came appropriated to those that were lately called Apostles, (but were not so ἀποστόλοι;) for was not the name of Bishop continued common to James, Peter, and others that were ἀποστόλοι ἀπὸ τοῦ ἀποστόλου; Apostles truly so called? Continued, I say, by the Fathers, calling them Bishops, allusively. But though the name of Bishop was given to Apostles, by the Fathers: It cannot be shewen, where those that are now called Bishops, were called Apostles, (as Apostle signifieth a Gospel-officer) by the Scripture. If they were, let the Doctor produce the place, where in Scripture any ordinary officer was stiled an Apostle; which if he cannot do, Theodoret's assertion, in one part, contrary to the plain expressions of the Fathers: and in the other, without ground of Scripture, cannot have much force on any unprejudiced Reader.

The Doctor's inference is observable, "Hence is it, saith he, that Timothy and Titus are called Bishops and Apostles. Bishops in the post-scripts of the Epistles which were written to them by S. Paul, but Apostles by Ignatius, Theodoret, and many others. Whence plainly it appears, that the post-scripts of the Epistles, were not Saint Paul's, but some other, later then Ignatius and Theodoret: And so have no force

force to prove *Timothy* and *Titus* Bishops.

Parag. 6. You add, *Bishops then they were called*; &c. That is, They were so called by men, that spake of Officers in the Scriptures, according to the stile of their own times, but in Scripture-sence, they were a degree above Bishops, Apostles, or Evangelists; and in that sence speaks *Wala Mes-salinus*, whose name you abuse.

Parag. 7. You argue, "*They that have the same name and office with the true Apostles, are of the same order with the true Apostles. But Bishop Timothy, and Bishop Titus, and Bishop Epaphroditus, have the same name and office with the true Apostles.*"

¶ This argument you seem to glory in, but with how little reason, the Reader shall see. For whereas you say, "*Bishop Timothy, and Bishop Titus, and Bishop Epaphroditus, had the same name and office with the Apostles*": This is manifestly false. First, for the name, neither have *Timothy*, nor *Titus*, the name of Bishop, or Apostle, given them by Scripture; and for other authors, as *Ignatius* and *Theodoret*, that call them Apostles; you must remember *Theodoret's* distinction, of some that were ἀποστόλοις ἀποστολικοῖς, and others that were called so only allusively. The true and proper Apostles, were the twelve, and Saint *Paul*, and such like, that had extraordinary mission and inspiration.

Now in this proper sence, *Timothy* and *Titus* were not called Apostles, but by way of allusion: and to have the same name, and not in the same sence, argues nothing. For your proof from *Salmasius*, for *Epaphroditus* being called Apostle, (besides, that in giving such a sence of *Phil. 2. 25.* he differs from many others, whose opinion is more probable) he onely calls him an Apostle, allusively, not properly: and as you fail in the proof of the same name, so fail you more, in proving they had the same office; for this you prove, onely from "*one part of Apostolical power, Ordination, and Jurisdiction*": Which they had from the Apostle *Paul*, in particular places; whereas the Apostolical office had power immediately from Christ, for such jurisdiction, all the world over, *Matth. 28. 19.* And whereas, the Apostle makes

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makes Apostles and Evangelists distinct offices, *Ephes. 4. 11.* and bids *Timothy* do the work of an Evangelist, *1 Tim. 4. 5.* The Apostle shews plainly, that *Timothy* was in that rank. And thence it's clear, that *Timothy* and *Titus*, had not the same office with Apostles, but were in an inferiour order of Evangelists. So your argument falls to the ground.

For your close, "*that Bishops, and only Bishops, succeed the Apostles in ordination and jurisdiction.*" It's true of Scripture Bishops; but for your Bishops, we shall not believe it, till you better prove it.

Parag. 8. You proceed, "*Since then Apostleship and Episcopacy, are one and the same office; He that is the root and Author of the one, is the root and Author of the other.*"

But I have, in part, shew'd already, (and shall more fully hereafter) that Apostleship and Episcopacy are divers offices. Episcopacy, if it hath any place in Saint Paul's Catalogue, *Ephes. 4. 11.* being under Pastors, which is two degrees below an Apostle: but you further infer, "*in covenanting to take away Episcopacy root and branch, you have done no less then covenanting to take away Jesus Christ.*"

Ans^r. Were Christ the ordainer of Episcopacy, as he is not, your inference is but a childish mistake; for neither doth the Covenant speak of root or branch, nor, if it did, would it follow, that Christ should be rooted up; for there is a root, properly of Propagation, and a root metaphorick of Institution, which is by appointment the original of a thing. Christ, if all were true that you say, is but a metaphorick root, a root by Institution, whose eradication cannot be infer'd; if Bishops, root and branch, be pluck'd up. If a man undertake to take away all the trees in an Orchard, root and branch, will it follow, he must root up the Master that planted it too? Nothing less; so, nor in this case.

After this you fall "*raising, boasting, and, not, curing.*" "*where you sit, telling of sin, fear, and Ours, squashed by my indignation.*" Which is a rash, if not a wilful slander. And now I hope it's clear you have done little to discharge the Kings oath of sin, or to prove the Covenant a bond of iniquitie.

But Parag. 2. You think you put a shewd query, "if root and branch must up, how comes it, that some branches may be preserved, as Presbyters ordained by Bishops, &c."

Still you run on in your mistake, whereas the Covenant hath no such terms as root and branch. What is a Doctor present such plain mistakes to a Prince? Nor, if there were such an expression, were there any force in your objection; for do you not know, that many of our Divines distinguish between the Church of Rome and the Papacy, which they compare to a wen on a body. So may we, betwixt the Ministry of the Church of England, and your Prelacie, which is but a high-swollen wen. Now I hope that a wen may be cut out, core and all, and yet the body be left sound, yea, more sound: so for this.

CHAR III. Part II. In which is cleared, that Prelacy, as it stood in England, was an usurpation on the office of Presbyters, in answer to Doctor Boughens third Chapter.

IN your third Chapter, parag. 1. "You represent me saying that the Kings oath to maintain Episcopacy, is for

Where do I say so? I say, if the Kings oath be to maintain Episcopacy, as it stood in England, then it is sin, and if you leave out this limitation, (as it stood,) you trifle and change the state of the question; and I must needs you of a true rule in dispute. *Qui verba supprimit quæstionis aut imperitis est, aut tergiversatur, qui calumniam magis studet quam doctrinam*: He that suppresses words of the question, is either unskilful, or wrangles, and in disguise, rather calumniates, than teaches. Which latter you plainly do; for hence you infer, "that I condemn all the Kings and Queens of this Land that have taken this oath. But first, you must prove, that they have taken the oath in this sense, to maintain Episcopacy, as it then stood: which sure our present Sovereign, hath

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In his message
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hath declared he did not, (and so we may judge of the rest ;) for he hath offered, to reduce Episcopacie to that power which it had in ancient times, *to exercise no jurisdiction without its Presbytery*. Whereby the King doth manifest, either he is not by his oath, bound to maintain Episcopacie, as it then stood; or else, that notwithstanding his oath, he may alter some of Episcopall jurisdiction, at the motion of his Houses. Either of which will cut your combe, especially the latter.

Secondly, you say, " *I condemn all those Fathers and Councils, that justify the necessity of Bishops*. Thirdly, and last of all, " *you say I condemn the whole Church of Christ, which from her infancy hath been governed by Bishops*."

Where you still leave out my limitation, as it then stood, which added, your inferences will appear most false. Since it is apparent, that both Councils and Fathers, and ancient Churches asserted, and were governed, not by Episcopacie without, but with the joyned help of Presbyters.

Hear what *Bisson* saith, in his Epistle to the Reader, before his per p. Govern. *God forbid, I should urge any other, but such as were Pastors over their Churches, and governors of the Presbyteries under them. And again, That Elders at first did govern the Church by common advice, is no doubt at all with us; this is it which is doubted. Sec. that those Elders were Lay-men, pag. 158, 159.* But had our Bishops, as they then stood, any Presbyteries joyned with them? Presbyters they had; but had they any Presbyteries, wherein the Presbyters met for acts of government, that the Bishop did govern? And therefore " *your interrogations about blasphemy, &c. are but the meer calumnies of a revivifier, altering the state of the question*."

And, as ignorant and impertinent trifling is your second " *parag. Wherein you talk of the abuses of particular persons, as some Princes or Parliaments*. Whereas my argument runs not on the men, but the office it self, as it then stood, excluding Presbyters from part in government, which was not the act of any extravagant Bishop, but the ordinarie custome of them all: so, not the men, but the office it self,

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was in an abusive posture, in excluding Presbyterie from participation in government; which is the thing to be proved.

Which thing you confess, I endeavour to prove by Syllogism, which you set down, *parag. 3. 4*

That power which despoyle any of Christs officers, of any priviledge or duty indulged, or enjoyned them by the word of God, this power is an usurpation against the word; And this Prelacy did, as it stood in England. ergo, English Prelacy was an usurpation against the word of God.

Parag. 4. You think, "to reverse this argument on the Parliament, to prove them, as well to be an usurpation, because they have sequestred and despoyled many of you Presbyteries, of preaching and ruling in their Congregations."

But herein I must tell you, you bewray your own, not the weakness of my argument; for my argument runs not upon any particular officers, whether justly or unjustly despoiled. But of all the officers, as they are officers; of which Episcopacie was gnikle, excluding all Presbyters from partnership in government. And had you had your wits about you, that can put the [dul man] upon others, this you might easily have seen, and that any in the Syllogism, notes not particulars in any office, but the kinds of officers prescribed by Christ.

But *Parag. 5.* You would teach me to speak, "had you said (say you) that power, that wrongfully despoyle any of Christs officers, and then you tell me, I have not learnt, it seems, to distinguish, between justly and unjustly."

But it seems, you, though a D. D. have not learnt to understand plain sense: For in that sense that my words should be taken; can, I pray you, any kinde of officers be wholly despoiled of a priviledge, or abridged in a duty left on record by Christ, justly? Sure then there must be some power, that can remove Christs institution, without injustice or usurpation.

You add as wise an amplification, "the Gods word is and was, *Non est potestas nisi a Deo, there is no power, but of God, Rom. 13.1.* And you say, (say you of me) that there is a power which is an usurpation

pation against the word of God. It seems then you think, that there is no usurped power in the world, or Church, no not the Popes claim to both the swords. Sure, you are a learned interpreter of Scriptures, whereas its plain, the Apostle speaks onely of all kinds of lawful civil powers, not denying, but some may usurpe a power that belongs not to them, as the Pope doth; and its in question, between you and me, whether Prelacie did, or no.

You add, "*I cannot distinguish between the office and the abuse.*" Will you then acknowledg, it was an abuse in Episcopacie, to ingross all government? If you do, you grant the question, if not, you trifle. Do you not know, Master Doctor, that there be two things, an *usurp'd power*, and an *usurpation in power*. If Episcopacie have no institution from Christ, its an *usurp'd power*: an office without institution, that question I waver. If there be institution for Episcopacie, yet if Presbyterie should govern with it, and be excluded, this is not an abuse of persons, but an *infringement* of one office upon another. This I accuse prelacie of, as it stood; one would think, this were plain enough to a vulgar capacitee; yet you run on in your mistake.

And Parag. 6. "*Mention divers examples of particular officers, and abusing their power in unjust censures, or using it in a just way.*" Which is meer trifling, as I shall make it appear by your last instance about Bishops, depriving Ministers. For I question not now, the Bishops, or you, for calling Truth Heresie: nor for the abuse of power, in suspending, or depriving for unjust causes; but for doing it solely, without the counsel and consent of a Presbyterie, wherein I shall hereafter, clear to you, they usurp more, then the practise, and counsels, of former Bishops allowed them. This is the plain state of the business: and its ridiculous, to undertake the answer of a Treatise, and mistake the plain state of the question.

But Parag. 7. You come to the *Minor*, and thats trifling still, on the same mistake; but to seem to say something, at last you say, "*It is a false speech, to say, Prelacy dispoile:*"

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Church is committed to them, to wit, Presbyters; and what he said of Bishops, belongs also to Presbyters, Bishops being only in ordination above them: Thus *Chrysostom*, Presbyters then were not excluded from governing. So *Theophylact* gives the same reason, why Presbyters are not mentioned: *Quia quæ de, &c.* Because what he spake of Bishops, belongs to Presbyters, for to them the office of teaching and government of the Church is committed, being only inferior in regard of election: And for what you object about Deacons, "that we allow them no rule in the Church, It's false, they have rule in their sphere, that is, in disposing the treasury, though not persons of the Church, they being not over persons; (which the Presbyter is) but the Treasurer.

The next proof is for the Doctor, happily misprinted, 1 Tim. 5. 21. instead of verse 17. which I believe the Doctor could not but suspect; but he was loth to meddle with it: yet if he mean to reply, I must now minde him of it, 1 Tim. 5. 17. It is thus written, Doctor; *Let the Elders that rule well be counted worthy of double honour, especially they that labour in the word and doctrine.* These, you will grant, were Presbyter-Bishops; for to allow any other at *Ephesus*, would marr the market; and see, here is ruling distinct from teaching ascribed to Presbyterie.

Parag. 10. You come to the third Scripture, Heb. 13. 17. *Obeys them that have the rule over you, and submit your selves, for they watch for your souls, &c.* Here rule is given to Presbyters: Now here, the Doctor is pitifully puzzled, and comes off poorly. He asks, "who are these rulers here mentioned; are they Presbyters only? Again, that he speaks of Presbyters, I deny not, but that he speaks of Presbyters only, that I deny. Good Doctor, am I to prove that Presbyters only are rulers, or that Bishops are not the only rulers, as they were with us? If then, Presbyters be here meant, and they be rulers, the Holy Ghost ascribes power of ruling to them, which is the question; so now I have confirmed mine. And your simile, Parag. 11. "of commanders in an Army, helps me, not you; for though *Capitans* and *Lieutenants* be not sole rulers, they are co-rulers in an Army, (you know) both over their

their Companies, and other Officers in a Council of war ; So if there be Bishops in the Church, which you here beg, yet they are not to be sole Governours, as they stood with us. What you have concerning *Timothy*, *Parag.* 11. 12. though I deny not the things, it will not serve your turn, sith *Timothy* was not a Bishop in your sense, but an extraordinary Officer, an Evangelist, a distinct office, *Ephes.* 4. 11. and ascribed to *Timothy*, *2 Tim.* 4. 5. he had therefore an office, and power above a Bishop of your sence, though afterwards from the custome in the Church, and some add that Bishops did like his, (but not solely) he was allusively, only, if not abusively, as *Walo Messalutus* hath it, *interpres*, called a Bishop. But this digression about *Timothy* was but to baffle the Reader, and to take him off the plain evidence of the former Scriptures ; for the close, "*that such power was not*" in *Presbyter-Bishops*, *per enim in parem non habet potestatem*; Your rule holds, while they are single, but a company of one kinde is above one single one of the same rank ; a *Presbytery* is above any one *Presbyter*, as well as a *Synod of Bishops* above one Bishop ; and so a *Presbytery* may exercise power over one of their *Presbyters*, as well as a *Synod of Bishops* over one of their fellow *Bishops*.

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You come to the fourth place, *1 Thess.* 5. 12. *Parag.* 13. "*We beseech you brethren, that ye know them which labour*" among you, and are over you in the Lord, and administer to you.

In answer to this, if the Doctor go not against his own conscience, he hath but little science. First, he saith, "*that*" a great friend of *Presbytery*, saith, this place is parallel to that, *1 Tim.* 5. 17. And so say I too. And then if it be not cited (as you know who cited Scripture) with imitation, there will be riledom for Elders.

The Elders that rule well, But you leave out their words, and only take the latter ; That these *Presbyters* are worthy of double honour, who labour in the word and doctrine. Whence you gather, ruling is nothing, but labouring in the word and doctrine. A collection, just like that, *Mat.* 23. 12. of Christ casting himself off the pinnacle, from *Psal.* 92. 12. *lance*

lately quoted. You add, *Theodore* Those that are over you "in the Lord; that is, they that offer up prayers and supplications for you. These words of *Theodore*; you bring cunningly, as though they only expounded the words, *that are over you*. Whereas, it is all he saith, to the expression of admonishing; whereby its plain, *Theodore* by his exposition, rather denotes the person intended there, to be the Minister; then describes his whole work. I appeal to your own conscience, whether you think, the genuine meaning of *spiritual* *voues* be to pray for people; but in *Calvin*, whom you cite afterwards, how egregious is your fraud? for though the words you cite are in him, yet they are in opening that other part of the text, *for their works sake*; but when he comes to that wherein government is, how plain is he to my purpose? *Qui præsunt in domino. Hoc additum videtur ad notandum spirituale regimen. Which are over you in the Lord.* This seems to be added, to note the spiritual government, *præesse in Domino dicuntur qui Christi nomine & mandato Ecclesiam gubernant.* They are said to be over them in the Lord; who govern the Church in the name, and in the command of *Christ*. You abuse *Calvin* as much, in misciting his institutions, *lib. 4. 2. 3. 5. 15.* where he speaks not of *1 Thess. 4. 12.* but of *Timothy* and *Titus*; to whom in the government of the Church, he ascribed a *Presidency*; not a *Monarchy*; as his words shew. *Falluntur superbi, &c.* They are deceived, if they think that *Timothy*, or *Titus* did usurp a kingdom in the Church, so dispose of all things at their own arbitrament. *Præfuerunt enim tantum, ut bonis & salutaribus consilijs populo præsarent, non ut soli ex clavis alijs omnibus agerent quod placeret.* They were over others, only that they might go before others, with good and wholesome counsels; Not, that all other being excluded, they alone might do what they pleased. So that this is spoken of those that you call Apostles, not Presbyter-Bishops.

Thus it is apparent, how ungroundedly you confine the rule of Presbyters to prayer, instruction, admonition, advise. But you say, "this is all the rule, that you can finde belonging to Presbyters." All that you will finde, you should have said; for you might have found it in the name, Bishop; which

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which is a name of authoritie, and rule, used by Heathens; sometimes for the Rulers of Countries and Provinces, who are called *Episcopi*. And why else did that *Presbyter*, that had the chief honour in rule, and after, by manifest usurpation ingross all appropriate the name of *episcopus* to himself, but that the word notes rule? And this title is given to all Presbyters, *Act. 20. 28. Feed the flock, over whom the Holy Ghost hath made you Bishops, Over-seers.* This is said of all the Presbyters, without any hint of distinction: and doth not this note government? Let me ask you a question: have you not read *Bilsons perp. government of the Church of Christ*? Can you finde no rule belonging there to Presbyters? Its then, because you cannot see wood for trees, *pag. 140.* He notes government to be comprehended under the titles of Shepherd, Watchmen, Over-seers, Rulers, Guides; and these titles belong to all Presbyters: And *pag. 141.* The government, spoken of, *1 Cor. 12. 28.* He makes common to Pastors, Prophets, and Teachers: and producing that of *Jerom: Communi Presbyterorum consilio regebantur Ecclesie;* He adds of his own; *That Elders at first did govern by common advice, is no doubt at all to us. This is it which is doubted and denied by us, that these Elders were lay-men, pag. 158. 159.* And after, to prove that the Presbyters were not lay, but Ecclesiastical; he produceth *Jeroms* words, with approbation, *Bishops and Presbyters, were at first all one; and what doth a Bishop, save Ordination, which a Presbyter doth not? Bishops must know, that they are greater then Presbyters, rather by custom then truth of the Lords disposition, and ought to govern the Church in common, pag. 159.* to nowoq elot daw And all this, he cites out of *Jerome*, for his own defence: That what *Jerome* spake, he spake of teaching, not ruling Presbyters. But what need I add particulars? the sume of his 11. Chapter, is, not to deny, but taking it for granted, that in Primitive times, there was a Presbytery that was joyned in government with the Bishops, without which, he neither could, nor ought to do any thing, in point of censure; taking, I say, this for granted, he endeavours to prove, those Presbyters, consisted onely of teaching, not lay Elders.

Chapter 14. Setting out the use of Presbyters, in the fourth of the hath these words: *The government of the Church, was at first so constituted, that neither the Presbyteries should do any thing without the Bishop, nor the Bishop without a Presbytery*, pag. 307. Thus far *Bisson*.

How clear is that of *Tertullian*, for the rule of Presbyters? *Nam et iudicatur magna cum pondere ut apud certos de Dis- ciplina, summum, futuris iudiciis prajudicium est, si quis in deliquit, ut a communicatione orationis & conventus, & om- nis Sanctis commercij relegatur, Presbiteri probati quique sen- iores honorem istum non pretio, sed testimonio adepti.* Thus it is as clear as the Sun, that ruling is injoyned as a duty, and given as a priviledg to the Presbyter; of which it was dis- spoiled in *England* by Episcopacie; and therefore, to main- tain Episcopacie in that posture, was to maintain it in usurpation, against Christs disposition, and so unlawful.

But you require, Parag. 14. one place of Scripture, "*the* *allus: Presbyters, or Pastors, are, as I have, of their own* *authority.*"

I answer, in all the places where they are made Church- Governours, they are enabled in a regular way to pass all Church censures; and of those places I have produced and assured many; as also where the Keyes of the Kingdome of heaven are given to the Ministerie in general, in the Apostles; and the place above cited in *Tertullian*, doth it not extend to excommunication, and that censure to be pass'd by Elders? But do you show me, on the contrary, in Scripture a Bishop, that is, an ordinary Pastor, distinct from a Presbyter, endued with sole power of rule in the Church; I will be of your mind. Your instances of *Timothy* and *Titus*, will not serve your turn, for that they were Evangelists. *Titus* confesseth, more then once, the Scripture never call them Bishops; They are called so by the ancients, because they did those acts, that by humane custom were afterwards appropriated to Bishops, in regard of presidence; but they did them not as Bishops, which they are not called; but as Evangelists, which they were, and were called in Scripture. For your speech in this clause, "*of particular men sitting*", it's impertinent; and for the cause

cause, it's delivered in your railing Dialect, which I pass by, and of the same railing strain is all your 13. Parag. only you tell us "by Scriptures we are made subject to Bishops; and I have told you, and you confess, in Scripture Bishops and Presbyters are all one, only you have a vain conceit of an Apostolic-Bishop; of which more anon.

Parag. 16. 17. You endeavour an answer to that, "that the Presbyters were subjected to lay-Chancellors, but it is only by way of retorsion; direct answers you are not furnished with, but refer us to the Doctors Commons; and yet I doubt not, but you have taken the oath with an &c. that swears to perpetuity, more then Chancellors; but how do you retort? "first, we have set many lay-Chancellors for one as the Parliament and Committees; ridiculous! when we speak of Ecclesiastical Officers, to retort touching those that are civil. But secondly, you retort, "that though we complain of one lay-Chancellor, we subject Gentry and Commonalty to many Lay-Elders; and say not (say you) that there be preaching Elders with them, lest it be return'd upon you, that the lay-Chancellor is but the Bishops Officer in such cases of Judicature, &c. But I will say, that they have preaching Presbyters amongst them; and more then you can say for Chancellors; yet they are to be chosen by the people in general, over whom they are to be; and though you say, "the Chancellor is but the Bishops Officer; Yet it is apparent in the woful experience of many Ministers, that he is such an Officer, that without, and against the Bishops minde, hath convented and suspended Ministers, which is more power then the Bishop ought to have; *Episcopus sacerdotibus in Ministeris solus bene vnde dare potest, auferre non potest*, confest by Belsion, perpet. govern. pag. 107. where the Counsel of Hispania 2 ca. 3, and Counsel of Africa. ca. 26. are cited; what you add about "institutions by Chancellors, is nothing to me, who never yet had institution; nor hath it any sense in it, that it should be against Gods direction, to receive institution from a lay-Chancellor as our land makes a Rectorie in inheritance, wherein the Civil Magistrate doth protect us.

You conclude, Parag. 18. "That my first argument, you

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"hope is sufficiently confused; You have done your best, it's like, yet it stands in full force and vertue; That if the Kings oath binds him to maintain Episcopacie, as it stood in practice, and as it is in your famous &c. oath; It is an engagement in that point to what is against Scriptures rule, and primitive practice; therefore an obligation to what is unlawful, and in that point invalid. In the close, "you cannot give off without calumniating, though never so rationally. I say in answer, who ever they be, that hinder the Ministers of God from any part or dutie of their calling required of God, usurp upon them; and they that maintain them in that, maintain them in usurpation; this is a truth, without derogation from any authoritie; and so I close this second chapter.

CHAP. IV. PARAG. I.

Wherein it is cleared, that Episcopacy is not to be upheld by our Profession, and that there may be ordination without it, in answer to Doctor Boughen's fourth chapter.

Case of Conscience Resolved

BUT though this way of invalidating the Kings oath be almost satisfactory to some; yet to those that are not convinc'd of the unlawfulness of Episcopacie, it will not hold; and so it would cast the resolution of this doubt, about the oath upon another question, touching the unlawfulness of Episcopacie, which is a larger field. I shall therefore endeavour to shew, that though for argument sake, it be granted that Episcopacie be lawful, yet notwithstanding that his oath, the King without impeachment may, in this circumstance, consent to abrogate Episcopacie.

To answer this passage you defend cap. 4. but there begin with such notorious trifling, as I never saw in a man pretending to learning.

For Parag. 1. You infer, "if Episcopacy be lawful, then the Kings oath is not virtuous and honourable, &c." I answer, who knows not, that on that supposition the oath is lawful? You add, "but while our conscience began to check me for this, because I say it is only satisfactory to some. You are mistaken Sir; The reason why I disputed the oath on a second bottom, was, because though I thought you, and others of your affection, might interpret the Kings oath to maintain Episcopacy, in that usurping height wherein it stood, that by his oath you might keep up your own absurd tenet; yet I perceived that his Majesty, and other impartial judges, might interpret Episcopacy in a more moderate way, as it is now come to pass (his Majesty offering to bring Episcopacy to that tenor, that they shall do nothing without their Presbyters;) and with such moderation many count it lawful: nay few count it unlawful; therefore I disputed the case under the second notion; though Episcopacy were lawful (understanding, as you may perceive by the scope & lawfulness, not necessary) yet the King might consent by Bill to abrogate it.

After having spent parag. 2. in impertinent slander, according to your custom, parag. 3. You ridiculously descant upon two phrases, *satisfactory*, and *not held*; though being applied to divers persons, your own conscience tells you, there's no incongruity in them. And then you tell "what pity it is that I have to deal with learned, and rational men, and not with Ignoramus, and his Dulcius: Sir, to ease your passion, I have to deal with both. In my first attempt with the first, which I ingeniously acknowledge; in this second with the latter, which I have in part; and shall more clearly evince, and that in the next Paragraph; For I having said, that the King, without impeachment of his oath, might in this circumstance consent to abrogation of Episcopacy; You ask, what I mean by *this circumstance*; whether the Kings oath for Episcopacy; and run on in a childish descant, unworthy of paper, when any but a Dulcman may see plainly enough, what I mean by (in this circumstance) that is, according to the grounds

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grounds of the question in the former page. In this state of the matter; that no hope of safety without union between King and Parliament; no hope of union without abrogation of Episcopacie; for the Houses had abrogated it; and the sword was in their hands.

Next, *Parag. 5.* You confess *"the King may abrogate what is lawful."* I thank you Doctor; you have given me the question; for if the King may abrogate what is lawful, then the reason why the King cannot consent to abrogate Episcopacie, is not his oath (in your judgment,) but because it is an ordinance of God; and more then lawful. Well now let us try it there; prove Episcopacie to be the ordinance of Christ, I will yield you the cause.

This you say, *Parag. 6.* *"You have proved already, cap. 1. 6. 7. 8."* And I there have shewed the weakness and sophistry of your proofs; and shall do it more hereafter.

But you proceed, *Parag. 7.* *"That Episcopacy is the only order to which Christ hath given power, as unto his Presbyters, &c. and Deacons, &c."* What you deliver here, is apparently false; for first, Christ gave power immediately to Apostles to do it, and the Apostles to the Evangelists; this power they exercised in *Ecclesiis constitutendis, in constitutis Churchis.* And these extraordinary officers dying, and their extraordinary offices ceasing; as almost all confess, what parts of their office were of perpetual use; as praying, preaching, administering Sacraments; and the use of the keys, were left to those ordinary Officers, Pastors and Teachers, *Eph. 4. 11.* And under them comprehended all ordinary teaching Ministers, without any distinction from God; the distinction that followed after, was but humane for order; and to avoid accidental inconveniences; as *Ambrose* and *Jerome* witness most plainly, and unanswerably; unless men set themselves *nomini in seipso querere*; let the reader view the places in *Bilson*, where he brings them (to prove the Presbyteries were of preaching, not of lay Elders) against lay Elders; and let his view be impartial and I doubt not, but he will approve what I assert, *if You proceed, no Bishop, no Priest; no Priest, no Lords Supper.* Now indeed, you reason like a Catholique, but a Roman

Roman Catholique; for just so, *Bellarmino*, and others of that leaven, argue against Protestant Churches, to un-Church them; with whom, though you may joyn, yet all those, that according to their profession, are true Protestants, and embrace other reformed Churches as dear sisters, will not thank you, but disdain you; and your assertions, that do obliquely un-Church the most of them. And that which our Divines answer to them, shall stand good, maugre your teen, and skill. For they holding and proving, that a Bishop and Presbyter, differ not by Gods law, but humane; And knowing, that Presbyters are the Pastors meant, *Ephes. 4. 11.* And that those Pastors are the successors of the Apostles, to exercise all perpetual acts of ministerie, whereof ordination being one, they must needs, by divine law, be invested with it. The Bishop; you plead for, was but *primus Presbyter*, a chief Presbyter, elected to guide and govern the *Presbyterie*, in acts of government. For all antiquitie acknowledgeth the *Presbyterie* did govern with him, and ordain with him. Now if the *Presbyters* elect one to be *President*, though not for life; why shall not their act be as valid, as if the *Presidencia* were for longer continuance? Sure, while learned *Bilson* gathers from the *Presbyterians* grant, of a *President* in the *Prebyterie*, by Divine law, or light of nature, though not the same man perpetually; that their *Presidens* differ not materially from those *Bishops* that the *Fathers* speak of, to make good his cause against them: We may also infer, if the difference be so little, as he acknowledgeth, (as indeed it is not much) then may we sure infer, that if the Ordination of the one be compleat, the Ordination of the other, cannot be essentially defective.

Augustine is impertinently cited by you, *Sine nostro officio est plebi certa perniciēs. Without our, (without the Episcopal office,) there is certain ruin to the people.* For though *Augustine* were a Bishop, and wrote to a Bishop, (as you say) yet by that, *without our office*, he plainly means the office of the Ministry in general, not of *Episcopacie*: For he makes it lawful to flee, in that Epistle, as *Paul* did, when there be others to look to the Church;

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Fugient. (saith he) ubi al. alijs. (qui non ita requiruntur,) non deservatur Ecclesia, sed praebent cibaria consecris suis qui aliter vivere non possunt. Lat. them flee; Where the Church is not forsaken of others, that have not such an eye upon them; but they will minister spiritual food to their fellow servants, which otherwise cannot live. Now what were those others? not Bishops, for there were not many of them in our City, or Countrey; but Presbyters.

But now you will prove it by the Protestation and Covenant. First, by the Protestation; *Ye have vowed in the presence of Almighty God, to maintain the true reformed Protestant Religion, expressed in Doctrine of the Church of England.*

And I pray you, against all Poperie, and Popish innovations. And you must remember again presently, upon the framing of the protestation, there was an Explanation put forth, before it was taken, in the Countrey, or Citie; *that under the Doctrine of the Church of England, the Discipline then in the Church of England, was not included.* So, your Argument from the Protestation, is of no value.

But yet let us see what you can say for this, out of the Doctrine of the Church of England. First, *“the ordinary way to heaven, is by the Word and Sacraments. No man may preach and administer the Sacrament, but he that is lawfully called and sent; none are lawfully called and sent, but they onely, who are called and sent by those who have authority. Bishops, and onely Bishops, have authority to send in this kinde, Article 29.*

Here you play leger-demain, for the Article holds forth the way of ordination, by the Book of Consecration, to be a lawful way, but not the only lawful way. For the Composers of those Articles knew very well, that there was another way of ordination in other Churches, whom they alwaies held as sisters; which they did not, with the Papists, condemn, though the Article approve the English way and that being held forth as a lawful, not the onely lawful way, it hinders not but others may be authorized to ordain, as in other Reformed Churches; and therefore, if the Protestation for the main-

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tenance of the Doctrine of the Church of England, were without exception against the Discipline; it will not prove your *no Bishop, no Priest*. "The Book, you say, was composed in the days of King Edward the sixth, by those holy men, who after were blessed Martyrs. But these men, I must tell you, were not of your minde, that the distinction of Bishops, from Presbyters, was any other, then what *Jerome* had taught them by humane custome, * nor held, the power of the keyes belonged onely to them; for in this Book of ordination, they charge the Presbyter, not only with care in Word and Sacraments, but the Discipline of Christ too.

And whereas, you add, "That the Articles were confirmed, 13. Elizabeth, and Subscription enjoyed; You should remember, it was with limitation, so far as they contained the Doctrine of the Church, not the discipline. You conclude, "thus far with the Protestation. But yet a little further, I pray you. For the Protestation adds, that the Doctrine of the Church of England is to be maintained against all Popery: Now you may finde in *Bellarmin lib. de Clericis*, your argument of *no Bishop, no Priest*, so no Sacrament, so no Church; wherein all Protestant writers oppose him, English and others: and therefore, surely, the Doctrine of the Church of England, rightly understood, condemns your position, which is a position in Popery, to overthrow Protestant Churches.

* Dr *Downham* in answer to his reply is driven to this.

If the Bishops better informed, concerning their functions, had now reformed their judgements, that is, to hold their offices not by humane, but Divine disposition; In his answer to the Replyers Preface, who had pressed him with the judgement of *Whigists* and *Jewels*.

CHAP. IV. PARAG. 3.

Where in is shewed, that the National Covenant, doth not engage to uphold Episcopacy: In Answer to Doctor Boughens fifth Chapter.

IN your fifth Chapter, you attempt to prove, "that the *se-
"lemn league & covenant* engageth to maintain Episcopacy. I might tell you, this is nothing to me, nor to the matter; for what-

whatever you fancie of the Covenant, they that framed it, will follow it in their own sence; and if any Covenanters be of that minde, as you are, that not your, but moderated Episcopacie, that is, a Super-intendencie over a Presbyterie, be nearest the word of God, yet they were not so considerable, as to be able to make peace, without abrogation of Episcopacie; nor without peace, to preserve King and Kingdom. If they could, then my Treatise were answered, by change of circumstances; that argues the lawfulness of the Kings condescension, chiefly in that circumstance. But to the matter it self, you have not, nor do you here bring any thing to satisfie.

• First, Parag. 1, 2, 3. You come with your *Crambe bis coctâ*, "That no salvation, but by hearing and Sacraments, nor these without mission. The Apostles were sent of Christ, and they sent others, Titus and Timothie, to ordain Ministers."

To all which I have answered before, and in part cleared it, That the Apostles, and Timothy and Titus their assistants, as Evangelists, were extraordinarie officers, and ceased; and that, the onely ordinary officers now are Pastors, and Teachers, *Ephes. 4. 11.*

Touching whom, the Apostle gives direction, *1 Tim. 5. Titus 1.* under the name of Bishops and Elders, and these are Successors of the Apostles, to all that power that is ordinarie and necessarie in the Church; and among these, there's by Gods law, no prioritie, but of gifts, and order delegated by election. But for any Bishops, that are of the same order with the Apostles, its a strange and groundless notion. Almost all Divines tell you, that Apostleship was an extraordinarie office, that ceased; and though an Apostle may be said, allusively, to be a Bishop, yet a Bishop may not be said to be an Apostle; yet these things you over with again in this Chapter, and tell us of "two sorts of Apostles, the Apostles of Christ, and the Apostles of the Churches, *Philip. 2. 25. 2 Cor. 8. 23.* Whereas, I have shewed you, that for *Epa- phroditus*, he is said there, either to be a messenger onely, from *Philippi*, to Saint Paul, (which is more evident, in the same phrase,

phrase used of those, 2 Cor. 8. 23. expounded by *Bilson* himself, of messengers from the Churches, pag. 75.) or else that notes them to be, *secundarii Apostoli*, that is, as *Salmasius* takes it, *Evangelists*, and so extraordinary Officers: but more of this in the next Section.

Next, you proceed to the example of best reformed Churches, wherein we agree with you, to reform, is in *primarium formam reducere*, but that form is in Scripture, that's our first Christian story, and there we finde no Bishop, but what is a Presbyter; others that are abusively called so, were not properly such, but Officers of an higher kinde, whose Office being extraordinary, dyed with them: For your particular quotations; first, that of *Zanchi*, "*Exempla veteris Ecclesie nobis debent esse instar precepti*, the Examples of the ancient Church ought to be to us as a precept, is to be understood, of the Church under the Apostles, registred in the Scriptures; and so the Ministers of *London*, (whom you cite also) speak expressly, that Scripture-examples are obligatorie, and that will not serve your turn: But for the quotations out of *Zanchy*, "*that, in his conscience they were no better then Schismaticques; that counted it a part of reformation to have no Bishop in degree of authority above their true fellow Presbyters*: I have sought it earnestly in the place cited, but cannot finde any such thing, *de vera reformanda Ecclesia ratione*; but in other places I finde the contrary. In a short confession of his faith, when he was seventie years of age, cap. 25. *de Eccles. Gubernatione*, he speaks to this effect; He acknowledgeth only Pastors and Teachers to be left by the institution of Christ, as ordinary Ministers. The superintendency of one, taken up by men, as a remedy of Schism, he dislikes not; but from the tyrannie, into which that presidencie degenerated; he concludes, *Quo propius acceditur in ordinibus Ministrorum ad simplicitatem Apostolicam, eo magis etiam nobis probetur*; atque ut ubique accedatur, dandam esse operam, judicemus: In the Orders of Ministers, the nearer we come to Apostolicall simplicity, the more is it to be approved; and diligence should be used, that every where such propinquity to the word should be attained: Here you have *Zanchy* directly

rectly against what you would have him say; as also, on the second Commandment, *de diversis Ministrorum generibus*, he clearly agrees with me, that Pastors mentioned Eph. 4. 11. are the highest Officers now left in the Church; and those the same, mentioned 1 Tim. 3. & Titus 1. Bishops, or Presbyters, which he proves to be all one; and that superiority, that in process of time, one had above another, was but by humane grant; For what you cite out of *Melancthon* Epistles, touching Bishops; It is but one mans private opinion, and that, when they were in that case, that we a long time were, and still in the greatest part are, without any government sealed; and undoubtedly, the Church had better be under a government that hath some rigour or tyranny in it, then under no government; so to shake off Bishops, as to be under no government, is, as *Melancthon* truly saith, *inexpedientius; si in vere damnum, et such a liberty (as Luther said) is Libertas nimis utilis ad posteritatem, a liberty no wayes profitable to posterity*. But what is this to the Covenant, which relates not to persons, but to Churches? Now it is apparent, that the Churches of Germany have reformed Episcopacie so, that they have no such Apostle-Bishop, as you dream of, but Presbyterie at the most, with the superintendency of one in their Presbyteries: neither hath that any weight, that you speak, "of the Convention at *Ausburg*; for they were then but in a way of reformation, it was but the dawning of the day with them, and they could not see all things at the first; but we see, when they come to settle the order of their Churches, they settled Presbyterie, not Episcopacie: And yet I deny not, that if the Bishops would then have been reasonable, they would have admitted their jurisdiction for peace sake, as *Melancthon* saith, *redimere pacem*. And truly Sir, though I maintain, that the King, for peace, may abolish Episcopacie: Yet I am of that minde, and wish others were so too, *redimere pacem domini conditione*, as *Melancthon* said, to *redime pacem with an harder condition*; with Episcopacie so regulated, as at first, to preside and rule in his Presbyterie.

But one thing I may not pass; for, whereas *Melancthon* saith, that they did grant to Bishops, *et postquam ordinis*

& jurisdictionis, the power of order, and jurisdiction; you enquire "What is this power of Order: certainly a power that Presbyters had not, that is, a power, at least, to ordain Ministers: But here, Master Doctor, you bewray too much ignorance for a D. D. for in power of order, not only Protestants, but most Papists make Bishops and Presbyters one, for that is to perform, as officers, prayers, consecrate sacraments, &c. and power of jurisdiction, only they make a Bishops peculiar.

For what you prosecute, touching "power of Ordination to be only in their Bishops, not Presbyters; I will speak more fully to that in the following Section; In the mean time I must tell you, that in quoting *Salmasius*, Parag. 15 Of this Chapter, you shew egregious negligence in reading, or, which is worse, deceit; for the words you cite out of him, touching *Timothy* and *Titus*, "that they were Bishops indeed, of the same right, and of the same Order, whereof at this day they are accounted, who govern the Churches, and are over Presbyters: This he brings only by way of explication of *Theodore's* opinion; but when he comes to deliver his own, He saith, pag. 115: That Timothy was rather super-Episcopus, above a Bishop, than Apostle. And again, pag. 69. He saith of them, per abusum igitur & improprie Episcopi appellabantur, they were improperly, and abusively called Bishops. Thus also you use the *London* 1. D. who (you say) confess, that their government is not above 90. years standing: whereas they assert the institution of it by Christ, and the restitution only for 80 years; when they did likewise reform the corrupt doctrines in Popery: And do not you speak against your conscience, when you say, "Calvin would have trusted that government in the bud, that sometimes you make a Geneva invention? Who would think a D. D. should be such a citer of authors?

But to conclude this Section; if Bishops have no place in Scripture, the best reformation must be, to abolish Episcopacie; though well limited, they may be tolerated; and that they have no place in Scripture, is the work of the next Section.

Lawrence
Law in
Christ Jesus
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CHAP. IV. PARAG. 3.

Wherein, for a fuller answer to what the Doctor hath said to prove Episcopacy Christs institution; this Question is resolved: whether a Bishop (now usually so called) be by the ordinance of Christ, a distinct Officer from him that is usually called a Presbyter? The one a successor of the Apostles, indued with power of ordination and other jurisdiction; the other, the Successor of the Presbyters, ordained by Timothy and Titus, endued with power of administering Word and Sacraments: Neg.

For the sounder and clearer resolving of this question, I shall proceed by way of *Thesis*, fetching things from the first original; barely proposing only what is confessed by all; but proving those things, wherein there is any controversie, or whereon the controversie hath dependance.

Thesis, 1. first its agreed amongst all, that all the teaching Officers that can challenge Living institution, are let down in an intire Catalogue, Eph. 4. 11, And gave some Apostles, and some Prophets, and some Evangelists, and some Pastors, and Teachers; and therefore all that cannot derive their pedigree from one of these, must be in the case of those, *Nobis*

Thesis, 2. That of these Officers, some were extraordinary, some ordinary.

Thesis, 3. That Apostles, Prophets, Evangelists, were extraordinary officers, for the first planting of Churches; and Pastors and Teachers, ordinarie.

Thesis, 4. That the extraordinary officers were temporary, and the ordinary to be perpetual in the Church, *Bilson perp. govern. p. 300.* The office of Evangelists was extraordinary and temporary: *Field of the Church, lib. 3. c. 22.* And indeed, what so ever is extraordinary, is temporary.

Thesis, 5. That Apostles were the highest of extraordinary

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many officers: and *Pastors*, the highest of those that were ordinary. *Apostles* are named first, and all that are named before *Pastors*, are acknowledged extraordinary, *Ephes. 4. 11.*

Thesis, 6. That in the extraordinary Officers, there were some gifts and acts peculiar to them, as such: as to the *Apostles* immediate calling, divine inspiration, infallibility in doctrine, universal charge; and in the *Evangelist*, to be an assistant to an *Apostle*, not to be perpetually fixt to any place, but for the finishing some special work, as *Timothy* at *Ephesus*, *1 Tim. 1. 3.* *Titus* at *Creet*, *cap. 1. 5.* & *3. 12.*

Secondly, There were some qualities and actions, which though required in, and done by them, as extraordinary officers, in an extraordinary way, yet are of necessity; and are, in an ordinarie way, perpetually to be continued in the Church of God; as abilities to teach and rule the Church; and the acts of teaching, praying, ordination of Ministers, Church-censures, &c. See *Bishop perp. govern. chap. 7. pag. 106, 107.*

Thesis, 7. That these *Pastors*, *Eph. 4. 11.* that are the highest ordinary Officers, are Successors to the *Apostles* in all that power, and authority, and all those acts flowing from it, which are necessary, perpetual, and ordinary in the Church of God. This also is clear; power and authority require a subject; divine power and authority, a subject of divine institution: Now no other remains of those of Gods institution, but *Pastors* and *Teachers*, which if they be not the same, *Pastor* is the chief. The other, is temporary, and ceased; therefore *Pastors* must be their successors, in all this power: and in them must the commands for execution be kept, without spot, or unrebukable, untill the appearing of our Lord Jesus Christ, *1 Tim. 6. 14.* And to them must that Apostolical promise be performed, *Mark. 16. 20. Behold, I am with you to the end of the world.*

Thesis, 8. The *Pastors* and *Teachers*, *1 Cor. 12. 28. Eph. 4. 11.* are no other but Synonyms with those *Elders* ordained in every Church, *Acts 14. 23.* and in every City, *Tit. 1. 5.* This is clear; for those *Elders* that were here ordained,

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were officers of Christs giving: The Apostles would ordain none other: it had been sacrilegious presumption, but they were neither Apostles, Prophets, nor Evangelists; Ergo, if Christs, they must be under either Pastors or Teachers

Theses. 9. These Elders, were, by the Holy Ghost, also styled Bishops, and were indeed Bishops, *aliud nomen, aliud officii nomen;* and of them it is, that distinction is given under the name of Bishops, *1 Tim. 3.* Hence *Jerome* is most plain, seconded by *Ambrose*, or *Hilary*, an approved Author, under his name; who though they differ from other fathers, who understand by Bishop, *1 Tim. 3.* a Bishop distinct from a Presbyter, such as was in their times: Yet *Jerome* reason preponderates all, because drawn out of the bowels of the Text, *1 Tim. 3. 6, 7.* Attend (saith he) the words of the Apostle, who having discours'd of the qualities of a Presbyter, after infers; for a Bishop must be blameless, &c. Therefore a Bishop and a Presbyter are the same. Again, if any yet doubts, (saith he) whether a Bishop, and a Presbyter, be not all made him read the Apostle, Phil. 1. 1. Paul, and Timotheus, the servants of Jesus Christ, to all the Saints which are in Philippi, with the Bishops and Deacons. Philippi (saith he) was a City of Macedonia; and certainly, in one City (as now they are called) more Bishops could not be. But St. Paul thus wrote, because at that time, Presbyters and Bishops were all one. If yet this seem ambiguous (saith he) that Presbyters and Bishops were all one, it may be proved by another testimony: It's written in the Acts of the Apostles, when St. Paul came to Miletum, he sent to Ephesus, and called to him thence, the Elders of that Church, to whom amongst other things he spake thus; Take heed to your selves, and to your flock over which the Holy Ghost hath placed you Bishops, to feed the Church of God, &c. Observe this diligently, (saith he) how calling the Presbyters of one City, Ephesus, he afterwards calls them Bishops: he adds Heb. 13. 17. & 1 Pet. 5. 1, 2 and concludes these things, that we might shew, that amongst the Ancients, Presbyters and Bishops were the same.

Theses. 10. After the decay of the extraordinary Officers, Apostles, Prophets, Evangelists, and their Office, with the

Hieron. in
Ep. ad Ti-
mum.

case of it with them: the Church acknowledged no other Church-Officers, as instituted of Christ: but only the two, mentioned 1 Tim. 3. & Tit. 1. 5. Bishops or Presbyters, & Deacons. Clemens, mentioned Phil. 1. 3. who is witnessed, by Tertullian, to be ordained of St. Peter himself, de prescrip. in an Epistle to the Corinthians, writes thus: *The Apostles preaching through the Countries and Regions: their first fruits, whom they had tryed by the spirit, they appointed for Bishops and Deacons, to be over the believers.* Here you see, by the Apostles were constituted these two Officers, Bishops and Deacons, of whom he afterwards saith, *that those that have humbly, and unblameably ministered to the sheep-fold of Christ, those we may not think may be justly thrown out of their Ministry:* whence he infers, *Amicus, &c.* It's a filthy thing beloved, yea, very filthy, and unworthy that conversation which is in Christ Jesus, to hear, that the most strong, and ancient Church of Corinth, for one or two persons, should make a faction against their Presbyters: He concludes, *Quia in.* You therefore, who have laid the foundation of sedition, be instructed to repent, and be subject to your Presbyters, for whom he called Bishops, he now calls Presbyters; and gives not, so much as any hint of any singular Bishops, but the company of Presbyters, or Bishops, over the Church of God, with *Blond. Apol. pro sanct. Hieron. p. 11, 12.* *Re 4.*

Polycarpe, in an Epistle to the Philippians: *Be ye subject to the Presbyters and Deacons, as to God, and Christ:* and here you see but two offices: and therefore for the Presbyters ruled the Church in Common. *Blond. ubi supra, p. 14, 15.* where many more witnesses may be seen. And in this, the Master of the Sentences consents too, *lib. 4. Dist. 24. de Presbyteris, unde & Apud veteres, iidem Episcopi & Presbyters fuerunt: quia illud est nomen dignitatis, non etatis:* and a little after, *excellenter canon canonem dicit tantum sacro ordine appellari censent; Diaconatus, scilicet, & Presbyteratus, quia hoc solum primum ecclesie legitur habuisse, & de his solum preceptum Apostoli habemus.*

The 11. Amongst these Bishops or Presbyters, there was one, whereby the consent of the rest, either by their free election,

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* *Ambrose* or *Hilary* on the *Epheſians*.
Quia prim' m
Presbyteri Epif-
copi appellaban-
tur, &c. For he
 calls *Timothy*
 (who was crea-
 ted a Presby-
 ter by him)
 a Bishop, be-
 cause at first,
 Presbyters
 were called Bi-
 shops, that one
 with-drawing,
 another did
 ſucceed; but
 becauſe the fol-
 lowing Presby-
 ters were found
 unworthy to
 hold that pri-
 macy, the way
 was changed,
 a Council pro-
 viding, that not
 order, of time
 but merit
 ſhould make
 the Biſhop, con-
 ſtituted by the
 judgement of
 many Presby-
 ters, leſt an un-
 worthy man
 ſhould raſhly
 uſurp it, and be
 a ſcandal to
 many.

election, or for his priority in converſion and ordination, had a preheminance of honour above the reſt, for order ſake, who had no new ordination, or none for a great while, but what he had from his fellow-Presbyters, who choſe him; and ex-
 alted him, without any further ado; So *Hieron.* ep. 85. ad *Evagrinum*, which he confirms from *Alexandria*; For (ſaith he) *Alexandria*, &c. At *Alexandria*, even *Hieracius*, and *Dionyſius*, Biſhops; The Elders did always name one Biſhop, choſen out of themſelves, and by them placed in excellency gra-
 du, in an higher degree of honour; (not office.) Now whether in their choice, they did only look at merit, or whether they did a good while, (till, as * *Ambroſe* ſaith, it proved incon-
 venient) advance him that was the next ſenior; it is argued both waies, though in my opinion, *Blundeſ* hath made it moſt probable, that according to *Ambroſe* his expreſſion, it went by ſenioritie for certain yeers; in his preface to the fore-cited Book. Some think, it went by ſenioritie in ſome places, and by election in others.

Theſis. 11. This prehemincy that one had above the reſt, was by Eccleſiaſtical cuſtom, not by Divine inſtitutions; and advanc'd him onely to an higher degree, or dignity; not to another order, diſtinct from his fellow-Presbyters; ſo that, ſtill he muſt derive his ſucceſſion from the Presbyters, or Biſhops, that were to be ordained in every Church, and is to finde his place in the divine Catalogue of officers, *Epheſ.* 4. 11. under Paſtors, and not Evangeliſts, or Prophets. That this preheminaence was not from any divine inſtitution, but Eccleſiaſtical ordination, *Jerom* is expreſs: The Biſhops muſt know, that they are greater then Presbyters, rather by cuſtome, then Divine diſpoſition. *Hieron.* in Tit. So *Auguſtine*, ep. 19. Although, according to the words of honour, which the Churches uſe hath obtained, Episcopacy is greater then Presbyterie, &c. Yet; See here, the precedence of Biſhops, is an honour of words, and a fruit of uſe. And this may be further cleared, from what was firſt done in conſerring this preheminance. It was but a bare act of the reſt of the Presbyters, as appears by the example brought by *Hieron.* in the Church of *Alexandria*. They choſe out of themſelves, and ſet him

him in an higher degree : This they did of themselves, and by themselves, without any Divine command; (Let it be produced, if there be any,) yea, without any example, in any of the Churches in the Scripture, and they did it by themselves, without the concurrence of other, and they could not set him in an higher order; Presbyters cannot make an Apostle.

Thirdly, this may appear, from that little difference that was between such a Bishop and a Presbyter, in the fathers times. *Chrysost. Theophylact, Hilary, on 1 Tim. 3.* Inquiring the reason, why the Apostle passeth from directions about Bishops, to directions about Deacons, no mention being made of a Presbyter; Give answer; First, *Hilary, or, Ambrose, Quia Episcopi & Presbyteri una ordinatio est, uterq; enim Sacerdos est, sed Episcopus primus. Because of an Elder and a Bishop there is but one ordination, both are Presbyters, but a Bishop is first.* And *Chrysostom, Because a Presbyter doth so little differ from a Bishop to wit, in nothing but ordination, saith he, In nothing but election.* saith *Theophylact.* Now, where the difference is so little, that one direction for qualification will serve for both; there is plainly acknowledged a difference in dignity, or degree of excellencie onely, not in order or office.

That conceit then of *Theodoros*, that they that are now called Bishops, were heretofore called Apostles, and those that are now called Presbyters, were then, i. e. in the Apostles times, called Bishops, is it self too groundless a fancie for you (*Doctor Boughen*) to ground your distinction of Apostle-Bishops, and Presbyter-Bishops, as though our now Bishops were Apostle-Bishops, and so of an higher Order, and induced by that order from Jesus Christ to many peculiar acts, which a Presbyter could not do: And that they are not only an higher degree of Presbyter-Bishops, indued with power by humane wisdoms to proceed and order those actions, which by divine right, belong to all their fellow Presbyters, who are to joyn with them in these acts of jurisdiction: This distinction, I say of yours, it hath no bottom to bear it up.

For first, you see its directly contrary to *Hierome*, and *Ambrose*, or *Hilary*, and many others; who make Bishops in their

*Vide Morton.
Appl. Cathol.
l. 1. c. 33. Crim.
their vertia.*

their times, to be the same with Presbyters, or Presbyter-Bishops; as you call them: Nay, it differs from other Fathers, who though they acknowledg not an Identity of a Bishop and Presbyter; yet they take that, which you say is spoken of a Presbyter-Bishop, 1 *Tim.* 3. & *Tit.* 1. of such Bishops as were in their time, which you would have to be Apostle-Bishops.

3. It hath no ground in Scripture. The Scriptures sets no other orders, but Apostles, Prophets, Evangelists, Pastors, Teachers, which are those Presbyter-Bishops, spoken of *Acts* 14. 23. *Acts* 20. 28. 1 *Tim.* 3. *Tit.* 1.

Now the three first are extraordinarie, and ceas'd; the latter only remain. And therefore the Bishop, for what of him is divine, must be a Pastor, and that's the same with a Presbyter-Bishop; else, shew us some institution for him: To talk of *Timothy* and *Titus*, is vain, being it is witnessed by Scripture, confes'd by all, that they were Evangelists, which is extraordinary: Successors they may, and must, have in the work of ordination, but in their office they have not; but the same work is done by Pastors, succeeding them in those acts of Discipline, as well, as in those of teaching and administering the Sacraments: Neither need we be moved with the appellation which the Fathers bestow on them, calling them Bishops of *Ephesus*, and *Crete*; and saying, that *St. Paul*, in them, taught all Bishops. For when Scripture calls them Evangelists, and reckons Evangelists among extraordinarie offices, that Christ hath given; what authoritie is affoord against this testimony? Therefore we favourably interpret the saying of those Fathers, that they call them Bishops, with relation to the customs of their times, who call'd them Bishops, that did those acts that *Timothy* and *Titus* did, not that they were properly so: For they were of an higher order, and did these acts as Evangelists; which their successors are to do, as ordinarie Pastors: Neither will their being Evangelists hinder the use of their examples, or the precepts given to them: For the same acts done by whatsoever officer, are to be done by the same rule; and therefore, as directions given to them for preaching, so for acting in government

vernment, are to be followed by other ordinary Officers; upon whom (by their decesses) the power and care of their acts, are devolved, though of an inferior order. *Timothy* was to imitate *Paul*; an Evangelist, an Apostle: and every Pastor is to imitate these Evangelists, in such acts, as are common to Evangelists with them.

Thesis, 13. All Presbyters being of the same Order, and that the highest of those that are now in the Church, have by divine law, equal power in places where the Holy Ghost hath set them Pastors and Bishops, as to preach the word, and administer Sacraments, so to do all other acts of government, when called, requisite for the edification and preservation of the Church; and the Bishop, who is but *primus Presbyter*, made by man for Orders sake, can rightly challenge no Monopoly, or sole interest, but only a presidencie, to guide, rule, and order that Presbyterie, wherein acts of jurisdiction are exercised, whether acts of ordination, or deposition; binding, or loosing; excommunicating, or absolving. This I prove by these reasons:

Argument, 1. Those who are truly and equally the successors of the Apostles, in ordinarie, and necessary acts of the Ministry; to those by their office, belong all the acts of jurisdiction, that are necessary, and ordinary acts of jurisdiction: But Presbyter-Bishops are such successors of the Apostles; *ergo*. The *Major* is clear of it self; the *Minor* I prove thus: Pastors are truly, and equally successors of the Apostles, in necessary and ordinarie duties of the Ministry, as appears *Ephes. 4. 11.* Apostles, Prophets, Evangelists, Pastors.

The three former were extraordinary, temporary, and ceased; so the Pastor must be the successor, if they have any: But Presbyter-Bishops set over the flock by the Holy Ghost, to feed it, are equally and truly Pastors: *ergo*. The *minor* is clear, from the definition of a Pastor, which is an officer set over the flock of God, to feed it, & *descriptio competit omni, & essentia non variatur gradibus*. See *Acts 20. 28.*

Argument, 2. Those that by divine law are equal in the power of order, those are equal in the power of government, or jurisdiction. All Presbyters, first and second, are equal in power of order; *ergo*. For the *Minor*, that all Presbyters are

Lib. 5. of the
Church, cap. 27

equal in the power of order; it may appear by the definition of the power of order: the power of order (saith *Field*) is that, whereby persons are sanctified, and inabled to the performance of such sacred acts, as other men, neither may, nor can do; as is the preaching of the Word, and administation of the Sacraments.

See *Field* of the
Church, lib. 3.
c. 32. *cont*

Now all Presbyters, as *Field* confesseth, are equal in the power of Order, yea, not only he with other Protestants, but many School-men, and other Papists also, as he there shewes: For every Priest (saith, *Durand*) in regard of his Priestly power, may minister all Sacraments; ea qua sunt ordinum, (saith *Anselmus*) omnes recipiunt immediate a Christo: ita quod in potestate nullius, imo nec Papa est, illa auferre: in 4. sent. Dist. 24. Art. 2. Sect. tertia ratio &c. And this also appears, because they must all sit under the same title of Pastors, *Ephes.* 4. 11.

For the *Major*, I prove it thus, Power of jurisdiction is, indeed, but a branch of the power of Order. A man by the power of order, is made a Minister of Christ, and so consecrated to serve Christ, in all ministerial services required of such a Minister of Christ.

Now these services are to edifie the Church, either by food, or physick: to further their salvation by word, or rod of Discipline: Now both these being ministerial acts and orders, making a man a Minister: hence it follows, that they that are equall in orders, in actu primo, in regard of power, when they have a call, are equally inabled to the exercise of discipline, or jurisdiction, as well as preaching, and consecrating Sacraments, both being acts of that office, to which he is advanc'd by orders. And thus much *Field* doth, in a manner confess: Three things (saith he) are implied in the calling of Ecclesiasticall Ministers. First, An election, choice, or designment of persons, fit for so high and excellent employment. Secondly, the consecration of them, and giving them power and authority, to intermeddle with things that pertain to the service of God; to perform eminent acts of gracious efficacy, and admirable force, tending to the procuring of the eternal good of the sons of men, and yield unto them whom Christ hath redeemed,

redeemed with his most precious blood, all the comfortable means, assurances, helps, that may set forward their eternal salvation. Thirdly, the assigning, and dividing out to each man, thus sanctified to so excellent a work, that portion of Gods people, that he is to take care of, &c.

Now here plainly, under assurances, means, and helps to set forward salvation, acts of Discipline must needs be contained, 1 Cor. 5. 5. 6. and this flows from power of order, as its habit is, *actus primus*, induing a man with power.

* Now to streighten the Presbyter in this act of his orders, he hath recourse to that feeble shift; *That the Bishop only is Pastor, and the other Presbyters are but, as it were, curates under him*; which if true, it is enough to make a Bishop despair, as well as a Presbyter to be despised: for how can he discharge the cure of souls in an hundred miles circuit? But the contrary is evident, in the Presbyters of *Ephesus*, *Acts* 20. 28. the Holy Ghost had placed them Bishops, to feed the flock of God: Neither is his objection, from the Angel of the Churches. *Rev.* 2. 3. weighty; for if there be not a *Synechdoche* in the word Angel, which *Rev.* 2. 10. *Some of you*, &c. seems plainly to manifest: yet its clear, he had only a priority of order, not of charge: And the prioritie of order, was ground enough for directing to him, what belonged to, and was communicated to all; as now it is to any temporary president of a Classis; or, as the things that concern the whole Houses, are directed to the Speaker of either.

The same is plain of the Elders of *Alexandria*, whose superintendent had no other charge from God, but only a pre- cedencie of honour, and order, from themselves: Besides, all Presbyter-Bishops set over charges by the Holy Ghost, are of those Pastors, *Eph.* 4. 11. And I hope, no modest learned man, will think that any President or Bishop, then, was the sole Pastor; or that these Presbyter-Bishops, set over the flock, by the Holy Ghost, could not act in their Ministry, without leave of him: and therefore those rules of restraint, mentioned in Fathers and Counsels, were but invasions on the liberties of Presbyters, who had their cures, not from the Bishop, but from the Holy Ghost.

* There is indeed, this difference between acts of jurisdiction, & other acts of order; the one every Presbyter may do alone; the other only in a Presbytery. So imposition of hands, 1 Tim. 4. 14. was in, and by the Presbytery; so censures, 2 Cor. 2. 7. by many. But a Minister may preach, baptize, administer the Lords Supper alone; and this was the use of the ancient Churches, who had their Presbyters, mentioned both in Scriptures, and Fathers.

Argument, 3. To whom the keys of the Kingdom of heaven are equally given; they have equall power of jurisdiction: but to all Presbyter-Bishops, the keys of the Kingdom of heaven are given, and equally given: *ergo*. The *Major* is clear; for the keys of the Kingdom of heaven contain all jurisdiction; that's without all question. and the Apostles are hereby usually proved to be equall in jurisdiction, because the keys were equally given to them.

For the *Minor*; the keys are appendants to the office of the Minister. The Apostles with mission had the keys, *John* 20. and so the confession of the Church of *England*, agrees harmoniously with the rest in this, *that the power of the keys is equally in all Ministers*, *Harmon. of conf. chap* 18. p. 362. So at the ordination of a *Presbyter*; the key of *Discipline* was given to the *Presbyter*, as well as that of *Doctrine*, in the Church of *England*. And if there be an equality in that order, whereof the keys are an appendix, they must have the appendix following in equality likewise, that are equal in that order.

Argument, 4. That to which a man hath right, and, in acting, is restrained only by custom, novell constitutions or Ecclesiasticall Canons, that, by Gods law, he hath equal right to with others. But Presbyter-Bishops are restrained from, or limited in acts of government, (to which they have right) only by custome, novell constitutions of Emperours, or Ecclesiasticall Canons: *ergo*, *Jure Divino*, power of government is in them equally with others.

For the *Minor*, that they have power of government, I have formerly proved, because it is an act of their office: for the exercise of it, sometimes in ordination, *Paul* witnesseth, *1 Tim.* 4. 14. and for government, *Jerome* gives clear testimony: *Ecclesia olim communi Presbyterorum regebantur consilio*; and they did consecrate their Bishop in *Alexandria*, from *Sr. Mark*, to *Heraclas*, as he witnesseth. So did they ordain with the Bishop; and without the Bishop, the *Chorepiscopi*, & the *City Presbyters*, till inhibited by the Counsell of *Ancyra*, held in the beginning of the fourth Centurie. *Panormianus* is exprefs: *olim (inquit) Presbyteri in communi regebant Ecclesiam*,

clefiam; & ordinabant sacerdotes, & pariter conferbant omnia Sacramenta, in lib. 1. decret. de consuet. cap. quarto. Here is the right and practice asserted. Now for prohibitions, if any, out of the word shew them; for the Fathers, they declare what the custome was in their times. Counsels and Emperors made laws only, limiting power to prevent inconveniences; and as *Jerome* saith, *contra Luciferianos*, many reservations were made, *potius ad honorem sacerdotum quam ad legis necessitatem.* * And therefore I conclude, the power of government, of binding and loosing, and of ordination, is by divine right, an appendant to the office of a Presbyter-Bishop: and as there is no proof for, so no need of your Apostle-Bishop: And so the chief corner-stone of your whole Book, which you relate to, from chapter to chapter, is found but untempered mortar, that is crumbled away when it comes to hard canvassing, and your building must down with it.

We are indeed, much prest in this question, with the authority of *Fathers.*

But I say, first, the most ancient, (as is to be seen in *Blundell* *) speak but of two orders of Gospel-Officers in their time, which they sometimes call *Bishops and Deacons*; sometimes Presbyters and Deacons: Only *Ignatius* is urged, as a great friend of Bishops; but indeed he is too great a friend, for he doth so far exceed in his expressions, and so differ in that, from other writers of his time; that for that, and many other things, all, or the greatest part of his Epistles, lie under great suspicion of subornation, or corruption, *vid. Blond.* * *Apol. profanct. Hieron. & Cooks censura patrum.*

Secondly, the most rationall of the Fathers, as *Hierome*, and *Augustine*, have witnessed, (not speaking obiter, or popularly, but purposely, giving their judgment in the thing,) that the difference between Bishop and Presbyter, is the issue of custome and use, not divine institution.

Thirdly, the *Fathers* generally, give the Bishop but a *Presidency*, not a *Monarchy*, in jurisdiction: They ascribe to him a *Presbyterie*, in which, and with which, he was to ordain, and censure; and without which, he was not to act in these things.

Decreto Hiss. Synodi 2. Presbyteris quibus cum Episcopis plurima ministeriorum, communis est Diffusio (edicitur) ut quadam novellis & Ecclesiasticis consuetudinibus, sibi prohibita noverint, sicut Presbyterorum, ac diaconorum, & virginum consecratio, &c.

* *Apol. pro sententia Hieron.*

See *Forbesii*.
Iren. p. 180.
 where he dis-
 putes against
 the Papists
 thus: *Quod*
ministerium so-
lis Episcopis, a
Christo tribu-
rum est, id non
potest Papa &c.
committere Pres-
byteris. At mi-
nisterium confe-
rendi ordines
potest Papa, &c.
committere
Presbyteris.
Ergo, &c.

things. And this plainly enough shews, that the Bishops Presidencie was but for order sake, not that power rested only in him; for that power that is restrained by Divine ordinance to one order, may not be interposed in by another; * the Levites might not joyn with the Priests, in offering sacrifice, because it was a particular above their sphere, appropriated to the Priests; which neither in the absence of the Priest, nor by his leave, or commission, a Levite might do: But we know, at first, ordination was in the City and Country Presbyters, and forbidden them only with a *Proviso*, unless they had the consent, or commission of the Bishops; which prohibition, doth plainly shew, that before they were used to ordain without him, and after might with his leave.

Fourthly, the Fathers differ more from the high Prelats, then from the Presbyterian: For the Presbyterian alwaies have a President to guide their actions, which they acknowledg may be perpetuall, *durante vita modo se bene gesserit*; or *temporary*, to avoid inconvenience, which *Bilson* in his preface, (and again, and again, in his book of *perp. gover.*) takes hold of, as advantageous, because so little discrepant, (as he saith) from what he maintains: but now the high Prelatists exclude a Presbyterie, as having nothing to do with jurisdiction, which they put as far above the sphere of a Presbyter, as sacrificing above a Levites; to wit, an act restrained to an higher order: whereas the Fathers acknowledg a Presbyterie; and in divers cases, Counsels tye the Bishop to do nothing without them; and so its clear, the high Prelatists are at a further distance from the Fathers, then the Presbyterians.

Fifthly, for that, wherein we differ from the Fathers, we have the Plea of one of the most judicious of the Fathers, *Augustine*, who being prest with the authoritie of *Cyprian*, answers *lib. contra Crescon. 2. cap. 32* His writings I hold not as Canonical, but examine them by the Canonical writings: And in them, what agreeth with the authority of Divine Scriptures, I accept with his praise; What agreeth not, I refuse with his leave. This is our apologie, in dissenting in this thing from

from some of the Fathers; wherein you see we follow a *Father*, and in that wherein *Bilfon* makes use of him, to put off the authorities of some learned men of his age; and adds, *God suffers the best of men to have some blemishes, lest their writings should be received as authentique*, p. 15. 2.

Lastly, if we differ from the Fathers in point of Prelacie, (wherein our opponents are in no better terms with them, then we,) yet I would have them to consider, in how many things we jump with the Fathers, wherein many of them have been dissenting, both in opinion, and practice; as touching promiscuous dancing, especially on the Lords day, 2. Touching residency of Pastors in their Churches, which excludes also pluralities, 3. Frequentie and diligence in preaching, 4. Touching the abuse of health drinking or drinking *ad equales calices*, 5. Touching Bishops not intangling themselves with secular affairs, or businesses of State, in Princes Courts, 6. Touching gaming at Cards, or Dice, and such like, so that they can with no great confidence triumph in the Fathers, against us, in this one point, (wherein themselves also are at a distance from them) while we keep closer to the Fathers, then they do in many others.

And thus; (Doctor) I shall leave it to the judgment of the indifferent reader, whether Apostolic-Bishops be not a meet fancy of your own framing; and indeed, now, there be no other but Presbyter-Bishops; one of which for Ecclesiastical custome, for pious ends, had some power added to his Presidency for order, which afterwards degenerated into rannny.

CHAP. IV. PARAG. 4.

Wherein is shewed the impertinency of the Doctors sixth chapter, against perjury, which the Author of the Case desires as much as he.

TO come now to your Chapter, where you propose the question, *whether the King, without the impeachment of his Oath at his Coronation, may consent to the abrogation of Episcopacie?* And then tell us, Parag. 1. *This question hath two branches: 1. Whether a Christian King be bound to keep his oath? 2. Whether he may not, &c.* But did not your eyes dazzle, when you made this division? Did I ever question, whether the Kings oath was obligatory, so far as it was lawful, and in that sense that it was intended, and so dispute, whether the sense of it were not the same of that with the people, that engageth only till alteration by consent in Parliament? Did not I express in the preface, that unless it did appear, that abrogation of Episcopacie might stand with the sense of the oath the King ought not to consent? how fallily do you then affirm, that I perswade the King to break his oath? and how useles is this whole chapter? either taking for granted, what is not proved, that Episcopacie is a truth, and ordinance of Christ; or proving what is not in question, that oaths are to be kept, perjury to be avoided; wherein you are so vehement, that you fall in to rank anabaptistry: pag. 34. *asserting, that oaths there-fore must be avoided, lest we fall into condemnation; as though all oaths were unlawfull, for fear of perjury.* You do also admixe so many foul and bold slanders, uttered with such bitterness, and such evident fallcncss, that any but a partial reader, will detect them; and therefore I think them unworthy any answer.

*Herles answer
to Doctor
Horn, p. 3.*

If I had said as that Court-Precacher, *that the King is not bound to keep any oath he took to the people, to be ruled therein*

" therein by law. His oath was but a piece of Ceremonial-
 " show, he might take it to day, and break it to morrow, &c.
 On such a man, you might have spent some of your zeal a-
 gainst perjury; but to me it is impertinent, as the judicious
 reader shall plainly see, by that which follows now to be set
 down, out of the Cause resolved, which supposes the oath
 ought to be kept, and only enquires after the true sense, and
 intention of it; and this may satisfy this impertinent chap-
 ter.

The Cause Resolved.

THE usual way of clearing this assertion, is this: The
 King is sworn to maintain the laws of the Land in force,
 at his Coronation; yet no man questions, and the constant
 practice shews, that it is not unlawful after, to abrogate any,
 upon the motion, or with the consent of his Parliament:
 The meaning of the oath, being known to be, to maintain the
 laws, which they are laws: but when they are abrogated by
 a just power, in a regular way, they are then wiped out of
 his charge and oath. So the King by his oath, is bound to
 maintain the rights of his Clergie, while they continue such.
 But if any of their rights be abrogated, by just power, he
 stands no longer engag'd to that particular.

And this I conceive, to be a sound resolution: For the
 Kings oath is against acting, or suffering a tyrannous invasion
 on laws and rights, not against a Parliamentary alteration of
 either. But here steps in my first opponent; and though he
 disputes modestly, onely proposing what he holds forth, to
 serious consideration; yet he objects nobly, and his Dis-
 course runs thus: *The oath for Maintenance of laws, is made*
Populo Anglicano, to the people of England, and so may be
broken off by a future act, because it is by their own consent,
expressed in the Parliament. But the oath to maintain the
rights of the Clergie, is made to such a part of his people,
Clergo Anglicano, and particularly taken by him, after his oath
to the whole Realm, which were needless, unless it meant some
other obligation. The Jews (saith the learned Author) to

A nameless
 Author in a
 Book, implead-
 ing all War a-
 gainst the King

make it a distinct obligation, and not releasable, without the Clergie's consent.

Answer, taking it for granted, that the oath is thus taken by the King. That oath was so framed, when (*terme Anglicanus*), was a distinct Societie, or Corporation, (as I may so say) *a populo Anglicano*, from the people of England.

This distinction between the Clergie and Laytie, we may observe in our Historians. *Daniel*, in the life of *William* the first, gives this for a reason, why the Clergie did so willingly condescend to him, because they had their Province a part, whence they supposed a security to their priviledges, how ever the Laytie were enslaved. The same distinction of the Clergie and Laytie, is observed by him in the life of *Henry* the second, pag. 83. And this was not onely in England, but other Nations. *Secularium petentes fastigia, in legum lationes seorsum ab alijs quæ civium universitatis prouident, omnem Clerum ab hinc decorpentes exemptum. Civile schisma & principatum supremorum pluralitatem inducentes, ex ipso quàm velut impossibilem humana quieti certum huiusmodi experientiam demonstravimus.* 170 1 *Marfil Patav.*

defens. pacis, part. 2. cap. 23. Now being the Clergie and Laytie were distinct bodies, the Clergie holding their rights, by priviledge distinct from the laws of the land; an oath to maintain the laws of the land secured not them: But as another body, they had another oath for their securitie. But now this distinction of the Clergy, from the Laytie, that they should be a distinct Province of themselves, being a branch of Poperie, is with it quite extinguish'd. And Laytie and Clergie are now one bodie politick, and under the same rule: for all priviledges of the Clergie, that are contrariant to the laws of the land, were abolish'd in the reign of *H. 8.* As undoubtedly that was, that any Society should be exempt from secular power; for that was to set up two Supremacies. And therefore, though the oath be continued in that order that it was, when the Laytie & Clergie were distinct bodies; yet now that this distinction is abrogated and they are made one, the oath to the Clergie cannot be stronger, or more inviolable then that to the Laytie, for the preservation of the laws of

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of the land, both subject to regular alteration. Thus far the case.

CHAP. V. PARAG. I.

Shewing, that the Clergies rights are as alterable; by King and Parliament, as the Layities; in answer to Doctor Boughen's 10. Chapter.

Here you invert the method I went in, but without just ground; for I followed the Authors I answered; in that order, in which they came out in publike, and to that I shal hold you; and therefore, now I must come to the 10. Chapter, reserving the seventh, eighth, and ninth, to their due place. In your tenth Chapter, you'r hard put to it, and make a great noise to little purpose, First,

Parag. 1. You make an inference; and quarrel with it. "Its lawful for the King to abrogate the rights of the Clergy. ergo, He may abolish Episcopacy. Its for all the world, as if one should say, Its lawful for the King to take away the rights of Lawyers, ergo, He may also take away Judicature."

But you are bad at Paralels, for there may be Ecclesiastical Judicatures, without your Bishops; which are but the issue of humane custome, as Jerom tels you.

Then Parag. 2. You raise a fort against a fort. "Its lawful for the King to abrogate the rights of the Clergy; ins therefore lawful for him to abrogate Presbytery."

I answer, we speak not here of lawfulness in general, but with relation to the Kings oath; and sure, you do not think, that I conceive, the Kings oath makes it unlawful for him to abrogate Presbyterie, that is, Presbyterial government. But for what you say touching the order of Presbyters, *parag. 3.* and the order of Bishops; there, I must tell you, that the King cannot take away the one, because, all confess it to be an Ordinance of Christ: But for that of Bishops, is an ordinance

dinance of man, as I have proved, and so alterable. Your fourth and fifth Paragraphes, are digression from this Question.

Parag. 6. You say "Well, bound he is by his oath to maintain the laws of the land, while they are laws, &c. But how long are these laws in force? till abrogated by just power in a regular way. To this you subscribe, adding, but the just power is in his Majesty, by your own confession, to maintain and abrogate laws."

I Answer, If, by power to abrogate laws, you mean, that they cannot be abrogated without him; I confess it: but if you mean it, as sometime you seem to import it, that it is in his power, without concurrence of others; I may well deny it; because he doth not assume to himself such power. Your 7, 8, 9. parag. I shall let pass, as having nothing of consequence to the case in hand, though they contain some extravagant expressions.

Parag. 10. You examine my words, "that if any of the Clergies rights be abrogated, by just power, he stands no longer engaged to that particular." Here you quarrel for want of adding, just power in a regular way, which was not excluded, but included in my expression; and you your self confess, parag. 11. when you say, "just power goes always in a regular way." But you think I left out that expression, in a regular way, because I am not able to set down a regular way, wherein the Clergies right may be abrogated.

Sure you are deceived; for that is the regular way, wherein all their canonical privileges, that are contrariant to the laws of the land, are abrogated, that is, by the King, and Houses of Parliament. See then how childishly you trifle, parag. 10, 11. And with as little reason, do you break out, parag. 12. "whether a Clergie-man, and a Preacher of the Word of God, and so together for union and instruction? Surely this is your corrupt gloss; I am for paring off that which is humane addition, that the Ministerie which is of Gods institution, may be more free, and shine more bright; and this too, to deliver the King and Kingdom, from a destroying war. Is this to destroy or preserve? Let the Reader judge.

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And therefore for your impertinent reviling from *Carr* and *Judas*, they will but reflect shame on your self; neither do I detract from my office, when I bring Ministers into the same rank with other Subjects, in regard of their humane; and alterable honours or priviledges; for I speak of none other.

Next, *Parag. 14.* You ask, "*what rights of the Clergie I would have abrogated.*" An idle question, to raise an *ad-um*; the question being ingeneral, whether, as the laws that concern the rights of the Laytie, may be altered by King, and Parliament, without breach of his oath; so also the laws that concern the rights of the Clergie, be alterable by the same power.

An impertinent, false, and absurd is your reply, *Parag. 15.* "*that I argue from any rights of the Kingdom, to all the rights of the Clergie;*" when the same sign, *any*, is used, in both places, as your self set it down but three lines before. The Star-chamber, and high Commission Courts, stood by law; yet these were abolisht; so may Bishops and their Courts, and yet ample liberties, and immunities may belong to the Clergie, and as usefull to the Church of God, and more suitable to his Word, as hath been shewn; and therefore your question, "*whether it be lawful to take away all the the Clergie hath?*" is merely to make them of saying something, when indeed you are destitute of a rationall answer: for to infer, that the King may take away all that the Clergie hath? or only such particulars, as upon consideration to him, and his Houses of Parliament, seem inconvenient? let the reader judge.

Parag. 16. But you say, "*incumbent upon every man, because Justice gives every one his due, according to Gods command, Render to every one his due.*" Good Doctor, doth this prove any more, the injustice of altering laws, concerning Clergie, then concerning Laity? are not their laws, their rights and inheritances? but with this proviso, that they may be judged on by Parliament, whether convenient or inconvenient; and accordingly, either continue, or receive repeal, with the consent of the King, and no wrong done? for the laws are but their due, with that restriction; so the case

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case is with the Clergy, till you disprove it, which though you would fain do, yet for ought I see, you are at your wits end, by your fillings up, *parag. 17. 18.* with such things as contain nothing towards an answer, but somewhat to confirm my assertion out of *Augustine*, "*charity prefers publique good before her own private interest*": So some priviledges of the Clergy are to be submitted by them to publike interest, promoted by peace and union.

At last, you come to say something to the purpose "*that the only regular way to abrogate any of the rights of the Clergy, or Laity, is at their own motion, or consent made, and delivered by their representatives in Parliament, or convocation.*" Is this true, in the general? was it true of the abrogation of the Popes Supremacies, and such like immunities of the Clergy? as their Sanctuaries for criminall offenders, &c. could not there be an alteration of these, regularly attempted, without it had proceeded from the representative of the Clergy? Sure then, I doubt, they had stood much longer then they did, to the prejudice of the Church and kingdom.

Reason it is, I confess, that if any of their Priviledges be in question, that they should be heard, and their reasons weighed; but if, after all they can say, it appears to the King and Parliament, that some priviledge of theirs is inconvenient to weal-publique, it may be altered without them, if they be froward; and yet we allow them the priviledge of subjects; for all other subjects have their priviledges thus subjected to the wisdom of king and Parliament; and yet this no tyranny, but good and needfull policy: and so also 20. & 21. *parag.* which are the last of this chapter, are answered.

CHAP. V. PARAG. 2.

wherein is shewed, that the distinction that is between Clergy and Laity, and their priviledges in this Kingdom, hinders not, but the priviledges of the one are alterable by King and Parliament, as well as of the other, in answer to Doctor Boughens 11. Chapter.

IN your 11. Chap. Parag. 1. You say, "to grate the very bones of the Clergy; (I tell you) that this oath was so framed, when the Clergy of England was a distinct society, or corporation from the people of England. I do say indeed, that the Clergy, and Laitie, were distinct Corporations, but not for that end, that you mention, to grate the very bones of the Clergy, but to deliver the laborious Clergy rather from that tyrannie, that they were not so long since under, by a few usurpers, or abusers of power; and I do not only say, but prove, that the Clergy and Laitie, were such distinct corporations, as that they were under two Supremacies; and that I say, was popery; deny it, if you have the face: but first you ask, "when this oath was framed; which is but a cavill; sith you know it was framed before Henry 8. in whose daies the Pope lost his Supremacie here. We read of the oath before the Altar, according to the custome in William 1. Dan. histor. pag. 30.

But you say, "his Majesties oath is grounded on the word "of God, according to the promise, Kings shall be nursing fathers.

I answer, the question is not, whether the king doth well to maintain the rights and priviledges of the Church; he is bound to maintain the just rights and priviledges of Church and Laytie both: but the question is, whether, as notwithstanding his engagement to the Laytie; he may at the motion or (if it like you better) at the Petition of the Houses, alter any law that concerns the people; he may not also,

p. Law

so, on the like petition, alter what concerns the Clergie? therefore you must speak to this, or you speak not *ad idem*, and proceed by the fallacie, *ex ignoracione elenchi*. I would have you also know, the *Bishops* are not the *Church*; that is a Popish fancie. Church is otherwaies taken, in the note you touch *parag. 3.* even for the whole body of the Jews.

Parag. 4. You seem to oppose my assertion, that now the Clergie and Laytie are one body politique, but by a weak reason, "*Why should the Bishops thrust out of the House of Peers?*" as though every societie of the body politique, were to have a party in the House of Peers; neither were they thrust out, as you uncivilly express it; but excluded by a legal Bill.

After, *Parag. 5.* You confess, what before you made semblance to deny, "*that the Clergie are not a severall and distinct body, but a severall state, or Corporation, under the same body, which I willingly grant;* but thence infer, if they be but a distinct member of the same body, then the heads of the body politique, under which they are, have the same power over them and their priviledges, as over the other part of the body, the Laytie. It is therefore needless, and useles pains to prove, that a Clergie-man, and others, may have distinct relations *Parag. 5. & 7.* Who denies it? but its a false calumnie, that the Ministers and Stewards of God are cut out of all; for the thing aimed at in this treatise, is but to restore to some of them, what others, without warrant from God, had usurp'd from them.

Whereas you inquire *parag. 8.* "*If this distinction between Clergie and Laytie, be a branch of Popery?*" You must add so distinct, as to be under two Supremacies, for so it was before Henry 8. and so its exprest in my Case; and where I pray you, is such a distinction exprest, to be continued, since Henry the 8th? You cannot shew it, nor doth any thing that you bring, *Parag. 8. or 9.* confute it: distinct they were; but not so distinct, but still they and their priviledges, were under the power of the same Supremacie, as your self confess, *Parag. 10, 11.* where your insinuation against me, "*offer- ing up two Supremacies,*" is but a fash; for I shall shew in the

the last Chapter, that the Supremacie I give to the Parliament, is not absolute, but ~~and~~ ^{two} such are not inconsistent, neither doth such respective Supremacie, make the Parliament lawless, or subject to no power: and for your closing question, "Where then are the two Supremacies that you erect?"

Answer, I affirm it was so, but now it is abolisht, and so I charge not you with it; but infer, that being equally under one Supremacie, that one Supremacie hath equal power over the privileges of both, which was the thing to be proved. Neither do I deny what you affirm, *parag. 12, 13.* "That there are two distinct jurisdictions in our Land, under the same head; Neither do I deny, *de facto*," but a Bishop by "the standing laws, is regularly the Kings immediate Officer" to the Kings Court of Justice in causes Ecclesiastical: But the querie is, whether this be so unalterable, that the King and Parliament may not put it to a companie of Presbyters? Which you have not yet disproved. Whether covetousnes, and ambition be more amongst Prelates; then Presbyters, whom you accuse, God must judge. But whether they be not like to rest more among those, that would ingross all, then among those that would have jurisdiction, and maintenance divided, men may easily judge.

For what you say, *parag. 14* of *Timothy* and *Titus*; I formerly proved them to be Evangelists, and what they had extraordinarie, to be ceased; what they have ordinary, to rest in Pastors, who are Presbyter-Bishops, the highest ordinarie Officers. For that saying of *Cyprian*, *Ecclesia super Episcopos constituitur*: I would have you reconcile it with that, *1 Cor. 3. 11.* Other foundation can no man lay, then that which is layd, *Jesus Christ*. We acknowledg, *de facto*, in *Cyprians* time, that the acts of the Church were ruled by the Bishops, but that, as *Jeroms* tells you, was by humane custome, not Divine disposition; nor was it without Presbyters, as you would have it: who therefore are as far from the government of his times, as we; what you quote after, may be but the heat of a Bishop, to whom we oppose *Saint Irenaeus*, on *Titus 1.* and *Phil. 1.* What you cite out of *Ignatius*, is spoken,

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as upon search I finde, onely of that Bishop, as he then stood Orthodox, in opposition to some cursed weeds, or Hereticks of the devils plantings; but when the Bishop was an Heretick, as you know in many places it often fell out, would they have been blessed or cursed, that held with the Bishop, think you?

¶ For what you add, *"touching the priviledges of Clergy;* For the most part, you falsly caluminate me, that I seek to ruine them; you know, I call the alicanation of their means Sacriledg; neither do I envie any of their just priviledges, but this is that which I have in hand; whereas there be two sorts of priviledges, some Divine, some humane, I question onely whether those humane priviledges, separable from the offices appointed by Christ in his word, such as the Monarchie of one above all other, may not upon advicement, for the good of the Republique, admit of alteration, as well as Lay-priviledges? Therefore, you slander me grossly in objecting, *"that I would take away all honour from the Ministry, that the Scriptures by prophesie or precept have given to them.* But you, on the contrarie, egregiously abuse the Scripture, in applying what the Scripture saith, by way of honour, or priviledg of the Ministerie, that is, of Apostles, Prophets, Evanglists and Presbyter-Bishops, (which onely are the Scriptures Bishops) to a few Diocesans; Creatures whom the holy page never knew: And so you sleight the generalitie of Pastors, to exalt a few Lord-Bishops.

¶ Constantines affection was pious to the Ministers of Christ. But the Bishops he honoured so, were men of another condition then those you plead for; they lorded it not in the Church, without the joynt help of their Presbyters in government. And further, if there were not some error of the times, in some of the honours which he gave; how came they so quickly to fall together by the ears for Primacie? And to give occasion to that observation, *That when their Chalice were wooden, the Bishops were golden, but the Bishops became wooden, when their Chalice became golden.* Sure the general abuse gives occasion to suspect some error in expres-

sion

sion of those affections. But I hope I have said enough, to let the intelligent Reader see, how far that assertion that I maintain (to procure peace and safety to Church and Kingdom, ready to perish by an unnatural war) is from detracting from any just or useful respect, commanded, from the people to the Ministers, if faithful; though the meanest Pastours, which I know, and people will finde, God will reward as done to himself.

But one thing is not unworthy notice, in *parag. 8.* Where you say, "*Paul willeth the Philippians to receive Epaphroditus their Apostle, or Bishop, and also chargeth them to hold such in reputation.*"

Consider, I pray you, had not the *Philippians*, then, other such as *Epaphroditus*? else why doth he give them charge of others of like quality? And may you not thence see, that *Epaphroditus* was no singular *Bishop*, but such an one as might have other *Presbyters* his fellows in like honours.

Case of Conscience Resolved.

V Ho knows not, that one of the priviledges of the Clergie, was, for the Bishops to sit and vote in the House of Peers? yet that is abolisht, as incongruous to their calling. And then why may not the removall of their Ecclesiasticall jurisdiction be consented to, as well, if it prove inconvenient and prejudicial to the Church? The abolition of the one, is no more against the oath, then of the other.

CHAP. VI.

Answering Doctor Boughens explanations for the removall of Bishops out of the House of Lords, in his 12. chapter.

I Proceed now to examine your 12. Chapter, spent most upon the Theam, whether it be incongruous to the calling of Bishops, to sit and vote in Parliament? And here you are

pharoux

* Anno 17. Car.
R. An act for
disabling all
persons in holy
Orders, to ex-
ercise any tem-
porall jurisdic-
tion or autho-
rity.

are very passionate; but I must first tell you, your passionate
follic falls more foul on King and Parliament, then me; for I
do but render the reason given by them, in effect, in the very
statute. * The words are these; *whereas Bishops and other
persons in holy orders, ought not to be intangled with secular ju-
risdiction (the office of the Ministry being of such great im-
portance, that it will take up the whole man;) and that it is
found by long experience, that their intermeddling with secular
jurisdictions, hath occasioned great mischief and scandal, both
to Church and State. His Majestie, out of his religious care
of the Church, and souls of his people, is graciously pleased, that
it be enacted; And by authority of this Parliament, be
it enacted, that no Arch-Bishop, &c. shall have any seat or
place, suffrage, or voice, or use, or execute any power or au-
thority, in the Parliament of this Realm.* Now, hath my
phrase done any more, then express the reason given for abo-
lition in this Statute by King and Parliament? while there-
fore you rave so at me, doth not all more properly light on
them? I may therefore say, as sometimes Moses, who am
I? Your murmurings are not against me, but against king and
Parliament.

But you question, "Whether they were not thrust out to
make way for these civill brogals? The Incendiaries knew
well enough, that these messengers and makers of peace, would
never have passed a vote for war."

Answer, they should be makers of peace, but have they
been so indeed of late? I pray, who occasioned the war by
Liturgie, illegally put upon the Scots, but Prelates? who put
on the king, to raise an Army against them, more then Pre-
lates? You know * who called it, *Bellum Episcopale*, Who
put on the king to break his first pacification with the Scots,
but Prelates? Then oaths were no engagements with them,
when against Prelates: But now the kings oath must be
cried up, to keep them up; but you should remember, *Quic-
quid fit propter deum, fit aequaliter*; which hints the hypocrisie
of your pretences, of tenderness of an oath in this case, if you
had not the same tenderness in the other case.

Then Parag. 2. You tell an Apocrypha tale, "of a man
cries

* Bishop Bath
and Wells, to
excite his Cler-
gy to contri-
bute.

"*aries of some Clothiers, that occasioned the making of that Statute, as though men would believe your traditional tale before the express words of King and Parliament, contained in the act.*"

Parag. 3. 4. You inquire, "*why it is incongruous to the calling of Bishop, to sit and vote in the House of Peers, and raise imaginary reasons, and confuse them, looking over what in the Statute: That Bishops and other persons, in holy orders, ought not to be intruded into secular jurisdiction; and this is grounded on Scripture, 1 Tim. 2. comparing v. 4. & 7. and there expressly speak the Apostles; (and you make Bishops Apostles); - It is no reason we should leave the Word of God, and serve the*" AG. 61.

how the grounds mentioned by King and Parliament in the Statute, are grounded on Scripture.

But Parag. 5. You would prove, "*that there could be no incongruity between their calling, and sitting in the House of*"

4 Paraphy Scripture: "*For then Adeltide asked, that was he that King and Priest, had never been a type of our Saviour; he doth not follow; for he was therefore a type, to shew, that Christ should be both King and Priest; but his kingdom was not of this world; he would not entangle himself with the affairs of this life, and divide inheritances.*"

Again, you bring the example of *Asaph and Eli*, "*who were extraordinary persons; as though God doth not things extraordinarily, that are incongruous ordinarily, as to make Deborah, and Huldah, Prophetesses. But Japhet thrived for long, as he followed Jehojada the high Priest; as though a good Bishop cannot give good counsell to a King; unless he sit and vote among Peers. You tell us also, how some of our Kings prospered by their Counsels. Is it not as easy to tell you, of a Bishop that preached, my head aches, to tell, in the dectroning of a King; to tell you how Aza was murthered by a politic counsell of the pious Bishop of Cahir, which shews, that usually the best Bishops, are the wisest States-men.*"

Parag. 6. You add, "*a wonder it is, that my father spied this incongruity, which was never discerned by the wisest of*" our

our fore-fathers. See you not, how you call king and Parliament a faction, whose sense I exprest? If I had been so rude, what out-cries should we have had of blaspheming, and spitting in the face of authority? Of the same nature are other your foolish arguings, *parag. 7. 8.* *"about the writ of summons to Parliament;* as though the Supremacie being in king and Parliament, they cannot change the state of the Parliament, and so, of the writ. And therefore all your strange language, doth not only question the integrity of king and Parliament, in their expression, and their wisdom in making; but their power in performing; which insolency, whether it deserve words to answer, let the reader judge, and this same answer will also take off your, *13. parag.*

What you say, *parag. 9.* touching *the sufficiency of Bishops for this work,* is not of validity to infer the conclusion, which you would have, are they more able to vote in Parliament, then the Apostles to serve tables? have they not a spear, as Ministers, that will swallow up all their abilities? why should they then, any more then the Apostles, leave their spiritual work for secular employments?

What you add touching *David,* *parag. 10.* *"that he err'd for want of the presence and advice of the Priests, and suffered; but after he calls for the Priests, and acknowledgeth his error, &c."* This is true, and yet withall, his fault was not in not having the Priests, at first; but not using them as he should: they drove the cart whereon it was, instead of carrying it on their shoulders; neither is it mentioned, that they discovered the error to him, but he to them, having it, as it seems, by divine revelations on his humiliation and prayer, *1 Chron. 15. 2.*

But may there not be the Counsell and advice of Divines, to a Parliament, in matters of God, unless they fit and vote with Peers, in matters secular? May they not in a Convocation, or Assembly, advise in matter of religion, where they shall keep the spear of Divinitie, and meddle with nothing Heretogeneal to their calling? So your reasonings, *parag. 11, 12.* are too weak to infer votes with Peers.

For your statute, *Parag. 14.* I know not what to say to it,

it, because I know not where to finde it. But do you bring this to involve this king and Parliament under a curse? and blame me for a moderate and necessary expression of *vinculum iniquitatis*? *Timothy's* *Dilecti*, &c.

What you say, *Parag. 15.* "Of the benefits of good Bishops, as Ministers of the Gospel." I assent to it, but neither of the places speak, as having them Ministers of State. A King and Parliament may have the blessing of faithful Bishops, by their preaching and prayers; without their votes and presence among Peers: yes, more then with it, for that usually makes them too great, to preach in season and out of season, as *Timothy* was to do, *1 Tim. 4. 1, 2.* But you are mistaken, when you say, "that the Priests are in Scripture, called the horse-men of Israel, and the chariots thereof." For that was spoken of Prophets, not Priests, viz. of *Elijah* and *Elisha*.

Parag. 16. You argue "Alogically, the King can have no Subsidies granted without them, because none hath yet been granted, a non esse ad non posse non valet argumentatio. As ill do you abuse the Scripture against the King and Parliament, as Removers of bounds, who have rectified it, confining Clergie men to their own sphere, *Dignity*; leaving seculars to secular men; therefore your curse can never shall not come.

To *parag. 17.* I say, I delivered not *ex tripode*, but out of the marrow of the act it self, that the votes of Bishops in the house of Peers was taken away, as incongruous to their calling; and I infer nothing else to be taken away, unless it seems good to King and Parliament; whose wisdom and conscience, I dare far better trust then yours; and you abuse your Reader, to say, I argued from the bare fact, when I argue from the fact, with its ground, to the like, on the like warrantable ground. And that the abolition of the one, is no more against the Kings oath, then the other, which you confess; yet you say flatly, 123. *If the King yield to let down Episcopacy, he breaks his oath*; what then do you lay to his charge, implicitly, in consenting to the abolition of their votes, but perjury? Is this you that can calumniate others

CHAP. VI.

others without cause, as spitting in the face of authority, and yet do this, and present it to the King himself, to read his own doom?

But you "distinguish between privileges, that are the grants of God, and such as are of the favour of Princes, such as sitting and voting with Peers.

The distinction is good, and helps to clear what I intend; that the King may alter the Prelacie in question, which is but the gift of Princes, not God. See the creation of a Christian man, on the Sacrament of orders. And Princes may revoke their own grants: but "for that jurisdiction, which you say, is a grant of God, I confess it is: but by him settled on Pastors, the highest degree of Church officers now; and those are Presbyter-Bishops; and therefore the setting of it on them in general, is but restitution, no donation of any thing new to the Presbyters, nor unjust detraction from the Bishops, who had without the grant of God, ingrossed all power into their own hands.

Case of Conscience resolved.

A Gain when this oath was framed, the Church was induced, by the ignorance of the times, with divers unlawful immunities; in all which respects the oath was invalid, being *vinculum iniquitatis*; and some were pared off, as light shined forth. And why may not the great revenues of the Bishops, with their sole jurisdiction, in so large a circuit, be indicted and convicted to be against the edification of the Church, and it be found more for the glory of God, that both the revenue be divided to maintain a preaching Ministerie; and their jurisdiction also, for the better oversight and censure of manners? And then is there as good a plea, notwithstanding the oath, to alter this useless anti-Evangelical pompe, and domination of a few; as to antiquate, other immunities, arising from the error of the times, not the tenor of Scripture. Were indeed the privileges in question, such as were for the advantage of the Church, to further her edification; or had the Prelates been good Stewards, and innocent

nocent in the use of them; then had the plea carried a further shew. But these having been so many forfeitures by abuse; and these great promotions, and jurisdictions, being as unwieldy to a spiritual soldier, as *Sauls* armour to *David*; and so do not further, but hinder the work of the Gospel, whose strong holds are to be vanquish'd, not by carnal pomp, but spiritual furniture, *mighy through God* 2 Cor. 10. 4. I see no just engagement to maintain such cumbersome greatness, adding onely glory to the person, not vigour to the main work of the Ecclesiastick.

Again, thus I argue: If the king may consent to alter the laws of the Nation, notwithstanding his oath, then so he may also the Clergies immunities: for those rights and immunities, they either hold them by law, or otherwise: If by law, then the Parliament, which hath power to alter all laws, hath power to alter such laws as give them their immunities; and those laws altered, the immunity ceaseth, and so the kings engagement in that particular. If their immunity be not by law, it is either an usurpation without just title, which upon discovery, is null: Or, it was given by Popall power in times of darkness, which being an Anti-christian usurpation, is long since abolisht in this kingdom.

CHAP. VII.

Shewing, that the Monarchicall jurisdiction and great revenues of the Bishops, may be divided to the advantage of the Church, in answer to Doctor Boughens 13. Chapter.

THis passage of my Case, you attempt to answer chap. 13. and tell us, "that there's a great cry against the jurisdiction of Bishops, as inconvenient, and prejudiciall to the Church, against unlawful immunities, Anti-evangelicall pomp, cumbersome greatness, and forfeitures by abuse; and these, you say, are cryed out of, but none of them proved."

I answer, the very expression were so clear, of things ob-

vious to every impartiall eye, that proof seem'd needles: and sure I am, you would disprove it, if you could, it stands you upon, which not doing, it may pass for currant: yet one quirk you have in this 12. parag. on the word, unlawfull immunities.

You argue, "if they were held by law, then not unlawfull, but legall."

I answer, legall they were, because allowed by mans law, yet unlawfull, because against Gods law.

Your next quarrell, is at the expression, "When the oath was framed, the Church was induced by the ignorance of the times, to dash out such ill words."

But you complain parag. 2. "I tell you not when this time was; but what then? do you not know, it was in times of Poperie? and 'do you think there was as much true light as Westminster then, as now, as you intimate in this parag.?' Sure if you do, you have not only a Bishop, but (as they say) a Pope in your belly."

Parag. 3. You take notice, that I conclude, "the Kings oath is invalid in these respects, & vinculum iniquitatis; then you mention 3. particulars, 4. of which you say, "you have quitted already; but I have therein disproved you: and do not you think, that to exempt malefactors from trial, that fled to Churches for sanctuarie; and the Clergies exemptions from secular punishments (which multiplied many slaughters by them, as Daniel witnesseth, in his story of Henry 2. pag. 83. (and yet Becket Arch-Bishop of Canterbury, asserted this, as one of the liberties of the Church, which the king had sworn to maintain, pag. 84.) I say, did not these, and such like, think you, flow from ignorance? but it grieves you more, that I should say, "the oath in this respect, is vinculum iniquitatis, and say Parag. 4. I wilfully scandalize divers Princes of blessed memory, and charge them almost as deeply as St. Peter did Simon Magus, with the band of iniquity, Act. 8. 23. Al-most (we say in the north) saves many a lie; for is affirming that Princes (for want of light, which they wanted means for) do ingage themselves with a pious zeal, but not according to knowledg, charging them with a crime, an-

swerable

swerable to *Magnus* his base self-seeking hypocritie? or so inconsistent with a state of grace? If it should, what ease do you put king and Parliament in, which more then once, charge them with perjurie.

But tell me sincerely, do you not think in times of Poperie, many unlawfull things were given to the Clergie? and that many Canonical priviledges were unlawfull? Sure either their immunities; or the reformation of them was unlawfull; had you rather condemn the reformation, then the corruption, for fear of obliquely blaming the ancient Princes? Do you not hereby cast an imputation on those latter Princes, whom you are more bound to respect?

Your *parag. 5.* is a scornful Ironie, hinting somethings false, somethings irrational; false it is, *"That what immunities were unlawful in Bishops.* We would challenge; or inherit their anti-Evangelical pomp; and as irrational is it, not to apprehend, that divers scores of Presbyters marshalled into Presbyteries, in the severall parts of a Diocesse, may not more easily see, and more speedily take course to redress errors, and apply general remedies for the reclaiming of the scandalous, then one Bishop over divers hundred Congregations, some of them the better part of a hundred miles from him. The Diocesses of Bishops, heretofore were called Parishes; and indeed at first few of them equal to some Parishes in England, and yet then they had Presbyters. Now their Diocesses are as large as Shiers, nay, it may be contain more Shiers, and Presbyteries discarded. Is not this prejudicial to the edification of the Church? Besides have you not heard what Queen Elizabeth used to say? *"That when she had made a Bishop, she had spoiled a good Preacher."* And how few of that rank imitate the Apostles diligence, or charge for preaching. *2 Tim. 4. 1, 2.* Is not this a sign that the greatness is cumberdome? Yet we denie not, that there was preaching under the Bishops, but I am sure there was the less for many of them, they sildred Preachers, prohibited preaching on Lords daies, Afternoon, &c. And there was censure of manners, but yet Visitations were but once a year, and Presentations to be but twice; and might not many a man fall into,

into, and perish in sin for all this? Besides that, their censures were more nimble against me for strictness, then looseness or propiety. I believe therefore, the intelligent Reader will not be scoff'd out of his belief of what I have hinted.

flavour

Your *Parag. 6.* Begins, as you call it, with distempered foam, ends with appeal to last judgement, which is one main thing which hath made quiet me under Prelatical oppression, having referred my self to him that judgeth righteously.

More of your foam you cast in your foam, *Parag. 7.* First, you ask "Why we are fallen from abolition, to alteration?" I answer, this alteration, will prove an abolition to them, quia Bishops, do not you fear. "Next this alteration, you say, not tending to abuse Scripture to adorn your sarcasms; and yet I confess, this alteration of the jurisdiction into more hands; and of the means of Bishops, to maintain more monies to preach the Gospel, is the best plea I have against Bishops."

I confess it is, and you shall never prove it anti-Evangelical, or anti-Christian: But I by it, shall blow off all your aspersions, that you lay upon me, as an enemy of the Church, and Ministry, in my plea against Bishops, whereas this one thing shews, I seek the good of both, and that rationally.

Parag. 8. You trifle again about the word *alter*, the vanity of which exception, was before shewed. After you cast about your foam, which deserves no answer, but indignation; but whereas you would abuse Saint *Augustine*, to prove me an Heretick, citing out of him, "that he is an Heretick," "that for any temporary commodity, and chiefly for his own glory, and preferment, doth either raise, or follow false and new opinions."

My answer is, that I have proved my opinions grounded on Scripture, and so neither false nor new. And for any end of mine in it, besides the peace of the land, and the edification of the Church; I leave my self to him, that tries the heart and reins.

Parag. 9. You come to examine what I said, touching the legalitie of your priviledges, "that if they be held by law,

"*then, the Parliament that hath power to alter all laws, may alter these laws, and such immunity cautions.* You here first grant, you claim no privileges; but what is legal; but you cavil at that which is said, "*that the Parliament hath power to alter all laws*; nay, you affirm, it is *absurd* to affirm "*that the Parliament can alter the laws of God*; but all this is but trifling; for you know, by laws, I mean only humane laws of their own making, and all laws are understood by me, *divisim*, not *conjunctim*, that is, they have power to advise upon any particular law whatsoever, or whomsoever it concerns; and if on advisement, it seem conducing to the weal publicke, to alter it, they have power to proceed to alteration; and so the *Londoners* themselves (whom here you would jeer, or provoke against me) would not (I am sure they should not) deny the Parliaments power to alter any of their immunities, that are convey'd prejudicial to the weal publicke.

Parag. 12. To that which I say, upon the alteration of the law, the immunity cautions; you in effect deny the conclusion; for you answer not the argument convincing, but hold the *Thesis*: You add indeed, "*that an ordinance may never conceived sufficient to alter a law*; but what athis to the purpose? who speaks of ordinances? my argument runs of laws.

If any think themselves absolv'd from the oath of allegiance, by an ordinance, let them bear their burthen; neither do I go about to absolve the King from his oath of protection, (as you here calumniate me) but interpret the bond rationally, which you cannot answer; and so vent your self in impertinent accusations.

But you conclude. Parag. 13. "*that suppose there be such a law, could it be just? &c.* You are pleas'd to acknowledge "*our privileges to be our rights, how then can they be taken from us without injury?*"

1. You alter the state of the question; for every injury is not perjury: the querie was, whether they could be taken away without perjury.

2. I acknowledge them your rights, that is, such as you have

a legal claim to, while the laws thus stand; but these your rights were of three sorts: 1. Some of your Canonically privileged (at least formerly) were corrupt: Such were abolish'd by *Henry* the 8. These were your rights, that is, you had claim to them by mans, not Gods law. 2. Some were essentiall to the callings, grounded on the Word of God. 3. Some were indulg'd by the Prince and State. The first sort were void to a Christian, by their anomic. The second unviolable, by the unquestionable authority of God, the Author of them. The third are under the Consent of Parliaments, as other laws, which are the peoples birth-right, and they may alter both, if they see occasion: So the laws that concern the Clergie, make them neither worse nor better; then those laws that concern the Laytie, render them.

Case of Conscience Resolved.

THE Author illustrateth the force of his argument, by an example, holding forth an inconvenience: Where publique faith is given for money, it is not releaseable by Parliament, without consent of the partie; for if it be, it is in effect, no engagement, &c.

Answer. There's a great deal of difference between an engagement made to persons on valuable considerations; and that which is made *gratis* to an office, or societie, subservient to publique good: Of the former kinde, is the engagement to pay sums of money; of whom they were borrowed for publique good, which is indispensable without the consent of the lender. Of the latter sort is this engagement to the English Clergie. Now engagements to a Societie, to maintain their rights, indulg'd for the personall worth of present incumbents; or to promote the usefulness of that office: If in their matter they prove prejudiciall to the office; or the succeeding officers, by their ill demeanor, forfeit them, their engagement becomes alterable: There is no injustice done to make a law to over-rule, or alter this engagement. There's no question of power in the Parliament, to over-rule it; for in

in the former case of money, if the King and Parliament should ordain release of the engagement, the engagement was gone in law, not in equitie the order would be *valid* in law though injurious: So, if there be no injurie, the King and Parliament may cancel any obligation. And where there is forfeiture by miscarriage, or the priviledg to a Ministrie (which ought to hold nothing but for publike good) proves prejudiciall, the abrogation will be just, as well as legall, there will be no injurie done.

But take it at the worst, it is but for the King to get the Clergies consent; and I hope in this case, they will not be so tenacious of their wealth and honour, as to let the Crown run an hazzard, rather then they lay down their Mitres, and indanger the whole land to be brought to nothing, rather then themselves to moderation. I cannot but have a better conceit of the Major part of them, at this time, which will amount to a consent, and that, in this Authors judgment, takes off the scruple about the oath.

CHAP. VIII.

Shewing, that abuses are a forfeiture of some priviledges, in answer to Doctor Boughen's 14. Chapter.

I Come now to answer your 14. Chapter, which you entitle, "*whether the lands of the Church may be forfeited by the misdemeanor of the Clergie*."

But here I must minde you, and the Christian reader, that whereas there are two parts of the Clergie in *England*;

1. *Parochiall Pastors*, which stand by the ordinance of God, who appointed the ordaining of Elders in every Church;

2. *Diocesan Bishops*, which I have proved to be but humane creatures, invented and set up, as *Jerome* saith, to prevent Schismes;

That which I have spoken of forfeitures, belongs to the latter,

latter, which are not Gods ordinance; though it may be, so they would keep within ancient bounds, and express ancient worth: they might not be only tolerable, but usefull; yet if these abuse their power, and become an inconvenience, instead of curing an inconvenience; and any thing indulged to them for the honour of God, be abused, to his dishonour, in the hurt of the Churches, then they make forfeiture.

Now the Case thus stated; Your instance, *Parag. 1.* "of *Abiathars being succeeded by another, not the office abolished,* is not a *puri*, for that was in an office expressly Gods ordinance; so Episcopacie is not.

What you say, *Parag. 2.* about justice, out of *Lactantius*, who in that place distinguisheth between "*Jus civile, quod* "*pro moribus ubique variatur, & vera justitia quam univ-* "*ersam ac simplicem proposuit omnibus Deus.* I acknowledge the truth of his speech, nor would I, nor do I maintain any thing against true justice.

But what you infer from thence, that where true justice is wanting, there's no law, nor no Common-wealth, &c. It is evidently contrarie to his minde; for though this true and perfect justice, was wanting in all heathen societies, (for they had some constitutions, that swerv'd from it :) yet no man will say, there were no Common-wealths, but tyrannies, among the heathen, though they were not such compleat Common-wealths as they might have been, had they known the rule of Gods perfect justice.

Parag. 3. To that, that there's great difference between an engagement made to persons on valuable considerations, and which is made *gratis* to an office or societie subservient to publique good; You answer, "*that the selling of land upon* "*a Corporation, is more firm, and that gift gives as good pro-* "*priety as purchase;* wherein you wilfully mistake the scope of my speech, or ignorantly; for the difference I speak of, is, in regard of the injurie in alteration; and that too, where and when there is miscarriage.

Now I hope, though I must return to a corrupt man what is his own; yet it is no injurie to deny courtesies, which are given *gratis* to men for their worth. *Artaxerxes* bestow-

ed a great largess on the Ministers of the Sanctuary, and he did excellently wel in it, and in the confirmation of it, (yet you simply make that expression, *the Law of God and of the King*, to relate to that one Decree of *Darius*, which you will plainly see, if you read *Ezra* 7. 24, 25, 26. together.) But the question is, if the following Priests had set up themselves with that the Kings benevolence, and neglected the work of God, and had grown insolent against the Monarch; Whether it had been injurious in the succeeding Monarchs, to have recalled that gift given to good men, to make them more serviceable to God, and devout in their prayers for the King.

But Par. 4. You say, *these lands and immunities were made to the office, and Episcopacy is a living office*. But I answer, its an office that may dye, for the Diocesan-Bishop can find his Register in Gods Book, he is later then the word written, and therefore this plea will not help him.

Parag. 5. To that, what is granted to personal worth, of present incumbents, and given to promote the usefulness of the office; You say, *It is fixed till the office be found useless and abolisht, but till then it is injustice to take it away, without which the usefulness of that office cannot be so well promoted*.

I allow all this, and in as full words, pag. 4. of Case resolved; but I affirm, this office by its incroachments (excluding Presbyters) and Canonical priviledges, which it challengeth, is grown burthensom, instead of useful, and the incumbents for the general much degenerate, both neglecting the main of a Pastors office, *preaching*, and abusing their power to the hindring of it in others: And for that which you add, *of the forfeitures of other Corporations, as this of Drapers, or Grocers, or the City of London it self*. I believe, if the King had conquer'd, you would have been as ready as any, to have implac'd the Companies of *London* of forfeiture, for assisting in the War against him. And who knows not, that Corporations may, and often do forfeit and lose their Charters of priviledges, by abuse and misdemeanours? For what you say, *of Parliaments power*, Parag. 6. I would you would alwaies speak so modestly: By Parliaments

power, when I speak so largely, I take it, as containing the three estates, the King the head, and the Lords and Commons, as the body; yet I abhor, to think of ascribing to them power, to make that which is unjust just, as I do disdain that comparison, of the witness brought by me against Episcopacie, to that brought against *Naboth*, by suborned Knights of the Posts; for the testimonies I brought, were out of the Scriptures of Truth.

But *Parag. 7, 8, 9.* We have a great out-cry made, but the best is, its a great deal of cry, and little wooll. The out-cry is at these words; *'If King and Parliament release the engagement, in the case of money, the engagement were gon in law, though not in equity. The Order would be valid in law, though in injurious.'* First, you question the validity of an Order of Parliament; but you should remember, I speak of an Order past by King and Parliament, and that amounts to a law, and later laws over-rule former. Then you *bid men take heed of their purses; for I speak of sums of money.* But this is but to make a noise; for you know my Opponent brought in the instance of money, and I did but answer about it. But the greatest out-cry is at this, *gon in law, not in equity, valid in law, though injurious; behold (say you) law without equity: God bless me from such law; I say so too; but the Divinity is good enough, by your leave: For were not the Statutes in Queen *Maries* time, laws, though injurious? And the Martyrs brought to a legal trial, by the Statute-laws of the Land, though injurious ones? This is so plain, that no rational man can deny it; and all the shew you make to the contrary, is but from the word *jus*, because, that properly signifies such a constitution as is just. But if an unequal Statute may not be called *jus*, properly, may it not be called *Lex*, or a Statute-law? your own word * *pag. 94. l. 12.* shews that you are not so ignorant; as not to know it, nor so impudent; as to deny it. And therefore your accusations here, of *Divinity without conscience*, &c. are Sophistical and childish, or malicious; whereas, you say, *I stretch my conscience, and justify a power in the Parliament to do injury, and not onely so, but a power to make laws**

* Your self say
pag. 40. *Lex*
non obligat sub-
ditum in foro con-
scientie, nisi sit
juste. The law
binds not
Subjects in the
Court of con-
science, unless
it be just; But
then this im-
plies, in foro
humano it doth,
which agrees
to what I say,
but that you
have a minde
to quarrel.

LOWE

laws to justify this injury; Its a most false slander: I say, there is in King and Parliament that Peers power, that their agreement makes a law; but if they stretch this to unjust things, they abuse their power, and become injurious, and sin, yet we have no plea against them in law, that is, in foro humano, but in equity and conscience.

Parag. 10. You quarrel, in like manner, with those words. "So if there be no injury, the King and Parliament may cancel any obligation, which your dulness or passion makes you not understand, and so you play the ape with them." The meaning is this, The King and Houses being the supreme power, what they ratifie, stands firm; and what they abolish, no man can claim by any constitution of the Nation; And in matters not injurious, they may lawfully put this power committed to them, into act.

Now Parag. 11. It may appear, that you well understood what I meant, in distinguishing between law & equity, in that you say, "What is according to law, true law, is lawful." Why do you say true law, but to note a distinction of laws? Some are made by lawful authorities, and so valid in foro humano, in mans Court; yet that authority observes not the right rules of equity, but abuseth power to decree unjust things, and so it is a law, but not a true law, that is, not a law for that intent that laws were ordained, to prevent injury, not decree it. I conclude therefore, that you make these rehearsals of law without equity, ad faciendum populum, against your own conscience; but the intelligent, will see and deride this beggarly fraud.

Parag. 12. You harp upon the old string, "that an office can forfeit nothing." And I grant it, of such an office that is of God; and of such priviledges as are necessarie or usefull; but neither is Episcopacie such an office, nor their large jurisdiction, and great pomp, such priviledges.

David. 13. Runs on the same string, "touching an office instituted of God, which Episcopacie is not, though Ministrie be. And then kindly (as often formerly) grant the question, that "of priviledges perchance there may be a forfeiture, where they prove prejudiciall to the publick good; and so

*Favours
at law
for*

waves the question from that which is *de jure*, of right, which he hath been disputing all this while, to that which is *de facto*, of the fact of prejudice to the publike: in which question, how confident soever he be in the negative, I must mind him, that not he, and the Prelates, nor I, that are parties, but the King and Parliament must be Judges.

For what you say, out of the great Charter, *Parag. 14.* *We grant to God, and confirm the Church of England free, &c.* I answer, but the Bishops are not the Church; you do not, I hope, approve that popish language, they were then but a part, and an unsound part, being vassals to the man of sin. Yet William the Conqueror did ill, to appropriate Church-lands for covetousness, and for it might miscarry; so did they for the same cause, rob the Temples of the Heathen Deities; whence the proverbe, *Aurum Tolosanum, in Aulam Gely Noel, Asia. lib. 3. c. 9.* Yet they did well, that conscientiously abolish'd both Idols and Temples. What you add, *'that in strictness of Reformation, Episcopacy was continued in England, as most useful for the Church.* How this observation is connected, I know not: It is a suddain motion; I may also justly take occasion to give notice, that our Reformation hath been counted defective, for keeping up Episcopacy in it; a right; and not either abolishing it, or at least bringing it within the ancient limits with a Presbytery; (which now is offered by the King.) And what other reformed Churches can the Author name, but it was part of their Reformation, to take away Diocesan Episcopacy?

Parag. 15. You express a needless grief, to hear from a Preacher of the Word, *"that the Bishops must lay down wealth, honour, and Mytres, or else the Crown must run an hazard."* Are you sorry to hear a Preacher speak the truth? hath not the Crown run an hazard in this respect as well as others? But whereas you say, *"I give notice of what hath been the cause of my sedition preaching,"* you falsely slander; for though I know no cause that I should have had to grieve, to see the Bishops strip of their greatness in a fair way; yet I have as seriously, and sincerely grieved for the hazard of the Crown, as you self, and have been as far from furthering

thering it. For that you add, that few of the Bishops have gained so much by the Church as their breeding cost their parents; It will be credible but to a few, except to those that know at what rates they made friends in the Court, to protect them.

Parag. 16. You tell me, *"I might have done well to have directed this passage to the Parliament. Truly you say true, and those that know me, know I have not been backward, to press, and perswade a condescension on their parts, as well as on the Kings; and that in writing too: which on as good an occasion, as I had to print my Case, may see the light. But the Bishops have not been so innocent, as you make them; for schism, they did not prevent it, but partly made it, by casting out both Ministers and people for their own inventions, that willingly, and peaceably, would have held communion in all Gods ordinances; partly occasion'd it by neglect of good Discipline, and rigorously requiring conformitie to humane ceremonies: for Heresies, they did foster them. How did the most of them connive at Papists & advance Arminians and Socinians, while they pretended against Socinianism? Blasphemie in one kinde they hinder'd not, in that they let blasphemous swearets pass without discipline, and enjoy the priviledges of Sacraments. Atheism they promoted, by hindring the preaching of the Gospel, which they were enemies to, for the most part, to uphold their dumb Ministerie, and for fear their idleness should be censured. They taught rebellion against the Lord, in teaching men to prophane his Sabbath: They hindred not, but occasioned blood-shed, in oppressing Scotland with illegal impositions, stirring up the King to war against them, and to break his Pacification with them, which was the egg that hath bred this cockatrice that is like to destroy all.*

This I speak not of all, but some of them; nor out of a delight I have to rake in other mens sores, but to shew you, that Bishops grew not into such odium among the people for nothing; nor were they without miscarriages, that occasioned such a violence against them; and yet for my part, I grieve, that the peoples dislike of them had not acted in a

more

Pharisee

more orderly and regular way.

Parag. 17. For *Seldens distinction between the Abbot and the Abbey*; it seems, he is better at relating distinctions, then practising them: And its good to observe that distinction, *where the man is Gods instituted Officer*; but that neither *Abbot* was, nor *Diocesan Bishop* is, but both humane creatures.

Parag. 18. Your quarrell is at my expression, "*of bringing Bishops to moderation, which you, in a jeering way, say, is annihilation*"; but as wise a man, as you, may be deceived; for though that relation or title of *Episcopacie*, be taken away, wherewith man hath exalted them, yet they may retain that place that God hath given them, to serve him as Pastors, in some parochiall charge, as they did before their *Episcopacie*; which he that disdains, or thinks nothing, or that it is too low for him, I dare be bold to say, it is too good for him.

Parag. 19. For that you say, "*that the King suffers for the Bishops obstinacy*"; the more disrespectful they, not to yield, that he may be enlarged, if that would do it; you know what *Gregory Nazianzen* (not inferior to any of them) did for peace; for what you relate here, and else where, in an accusatorie way, "*of what is done to the Bishops and Clergie*"; I might object what hath been done to the Clergie of the other side, when under opposite power; but I have neither furthered nor approved the oppressions of neither side, but bewail them, and fear Gods judgments for them.

And therefore, in your Parag. 20. is slander out of malice or mistake; "*that I have preached for the Bishops wealth, or Myrr, &c.*" but your opinion is at last, if others be so violent to put him to it, "*the King and his posterity must perish, ere you will consent to part with your greatness and honour*." Sure, if you count those that put the King upon this strait, his enemies, no wise man will count you (who will rather let him perish by the rigour of others, then relieve him by your condescension) good friends: you love greatness so, that you will rather lose it with him, then release it; to contribute to his preservation.

Is this your boasted of affection and loyalty? This shews what you pretend love to the King for, to uphold your own greatness, not his, further then it upholds yours.

Parag. 21. You conclude, "*that if the Bishops knew themselves guilty of the difference between the King and Parliament, God forbid but they should part with all they may, &c.*" And if they will remember the beginning of it in Scotland, with the occasion, they may see guilt enough, especially he that called it, *Bellum Episcopale*, who, it is to be feared, spake the minde of the rest. "*But yet they cannot give up what is Gods, nor would I have them, but for God, and to Gods; for his glory both to promote a blessed peace, and to furnish proper shear Presbyter, Bishops of his own appointing, and support more able of them to feed the flock of God, than may live divers years without one Sermon, for many a Diocesan Bishop.*"

Case of Conscience Resolved.

Besides this argument, there be other insinuations brought in by the same Author, that it would be dishonourable to the Kings memorie, to be an unfortunate instrument to pull down Cathedrals, and impoverish them, &c.

Ans. To abolish Prelacie, and seize the revenue of Prelates to private or civill interest, undoubtedly could neither want stain nor guilt; such kinde of impropriation as happened in the dayes of *Henry* the 8. was cryed out of all the Christian world over, *Illegitimum sacrosanctumque dissipationem cum detestanda sacrilegio conjunctam, eorumque omnium bonis omnibus deplorantem, scelus universi orbi communit, sicut*

Beza, in respon. ad Saxon. de grad. Minist. pag. ult. But who knows not the great defect amongst us of congruous maintenance for Parochiall Pastors, by whom the work of the Ministry is chiefly to be performed. And if those large revenues of the Prelates were directed to supply with sufficient maintenance all the defective Parishes in *England*, there would be no danger of sacrilege. And this would not be to ruine, but to rectifie the devotion of former ages, and turn

pomp into use, and impediments into helps. A work, for
 which following generations should not need to pite the
 king, as put upon it by misfortune, but rise up and call him
 blessed, whose many other disasters ended in so good and
 usefull a work. Had the motives of Henry the 8. been as
 honest, to cast off Popish jurisdiction, as the act was holy; and
 the improvement of Abbey lands, as conformable to divine
 law, as the dissolution of Abbeyes, to the rules of Divine wil-
 dom. He might not only have been honourable in our An-
 nals; but, if I may so speak, a Saint in our Calender. It
 was the circumstances of actions, in themselves glorious, which
 made them a dishonour to him, though advantageous to the
 Church; which circumstances being avoided in the thing in
 question, God and good men will highly approve it, which is
 the only real, and regardable honour: Thus far my first op-
 ponent.

CHAP. IX.

pharisee
 wherein is stained, that the converting of Bishops Lands to
 the use of preaching Ministers, would not be sacrilegious, but
 a good work, as asseerts Doctor Houghton's 15. Chap-
 ter. I am now to answer to your 15. Chapter, wherein you
 dispute the Case, is whether it be lawful to confer Bishops
 Lands on Presbyterians, and first you say, the Church is like
 a poor Sinner, Church between two thieves, Independent and
 Presbyterian; but neither of them for our Saviour. But
 the best of it is, your tongue is no slander, for if preaching
 Christ, be being for Christ; I dare boldly affirm, that the
 most consider of those that dislike Episcopacie, are far more
 for Christ, then you and your Prelates, a few only excepted,
 and of them, the more they be for Christ, the less violent
 usually for Bishops, especially for your Apostolic Bishops,
 which they account a fantic. After, you say, "I like the
 use of Land and my fellow Presbyterians may be gamers;" but your
 possi-

position is false: I abhor theft as much as you do, nor do I look at the gain of my self, or Presbyterians, but of the Church of God, for I am no pluralist, whatever D. B. is; nor do I, nor many other Presbyters, expect any more meat, if this should be, but that the Church may have more Presbyters apt to rule well, and labour in the word and doctrine, and be examples to the flock, we having found in experience, *that scandalous livings occasion scandalous Ministers*: And this we think is in the power of king and Parliament to do without theft. The revenues annex to Cathedrals, being intended for the best good of the Church.

But Parag. 2. You "acknowledge I am against sacrilegious alienation, but, I and Master Beza cannot prevent it. Who can help it? We have cleared our own souls: yet if the Prelates would have consented to resignations, when this case was first presented, I verily believe that dishonourable alienation had been prevented.

Parag. 3. "You confess I would fain set a fair gloss upon a detestable fact. But every thing is not detestable; which you call so; that which would tend to have Christ more preach'd, would be profitable to the Church, and acceptable to God. For Ordination, we have spoken before, and shewed, that Presbyters have as much power from God to ordain, as your Prelates, and are as good Bishops; only the other, by custom, *gradatim*, have rob'd them. We shall have a choise of peeces, when you come to examine Divine rights. I shall with the Divines to be more careful to provide patience to bear your railings, then perspicacity to discern your subtilties: For you are not like to trouble their heads with much of the latter.

Parag. 4. You say, "If there be a diversion of the maner-nance, who shall make the conveyance, and when its made, its not valid, without the proprietary; and thus is God's, and what is separated to holy use, cannot return to common. Good, but what is given to God, may be improved to the utmost for God; and thus the aim, and would be the issue of the diversion spoken of, that Christ might more preach'd, even to those that have long sat in darkness, and in the shadow of death.

for

10 Nor is every diversion (as you say, *Parag. 5.*) a turning out of the right channel. But out of the former channel; and the latter may be better, and so righter, in regard of the chief intentions of the Donor. And this dole, by the unquestionable authority of the Land, will I doubt not be approv'd by as wise, and as honest men as you. Do not you your self, *pag. 119.* say, concerning Abbies and Priories; That good and pious men have wisht that the abuses had been pruned off; and that the land had been disposed of, according to the Donors intentions? What's that but diversion from the corrupt way of Abbies and Priories, to support other pious, and charitable uses?

Parag. 6, 7, 8. You tell us a story of the antiquity of *endowing Churches, and the riches of them.* And that the use and Dominion of Church goods, chelong'd to Bishops; and this not onely by custom, but by Canon: But withal you say, at his charge, as it were, the Presbyters and other Clerks of the Church were fed. And thus you say, I shal not be surpris'd if you have told a good tale for your self; for by it, it appears, that the wealth witherewith the Church was endowed, was not given to any persons, but the Church, in which the Bishop had no propriety, but power of use, for what he himself needed, and of disposing the rest to Presbyters, and other Clerks; which now the Bishop neglecting, and many Parishes in his Diocesses wanting preaching Presbyters, for want

*I my self once saw the Bishop of Yorke, riding towards London, with fourty-five men in his Livery. And I wondering at the number, was told by one of them, that there was above twenty left behinde, that wore their Lords Livery. Good; and those Deacons continued, and distributed

of maintenance, and many that preach'd wanting subsistence; and the Bishop, who you say, should maintain them, maintaining Princely State; a number of Serving-men, &c. To divert a great deal of the maintenance to preaching Presbyters, would be a returning of it into the old channel, by your own confession.

But *Parag. 2.* The Bishops followed the steps of the Apostolick Church, for *Act. 4.* we read, that the well minded, when they sold their lands, laid the prices at the Apostles feet, not the Presbyters. How could they, when there was as yet, none ordained? But after by the Apostles direction, there were Deacons set over this business of Church-treasures.

Good; and those Deacons continued, and distributed Church

Church-goods; some to the Pastor, some to the poor, some to other pious uses; but when your Prelates grew Lordly, the, like not that, and therefore by little and little they changed the Deacons office, and made themselves proprietaries of the great revenues, and thereby great Princes, and you can abuse Scripture to confirm it, as the Papists do to exalt the Pope. But Paul, say you, commanded Timothy, that *the Presbyters be well provided for*, 1 Tim. 5. 17. And to *what purpose was this charge, unless he were to provide for the Presbyters of his Church?* For very good purpose: as the Apostle shews you himself, 1 Tim. 4. 11. *These things command and teach.* He was to teach it, others to perform it; for though he set Presbyters on work, in some sense, yet it was not for himself, but Christ and his Church; and they who reap'd their *spirituals*, were to pay them *temporals*, 1 Cor. 9. And you dream, when you talk of *Timothyes table*; or *allowing maintenance*. Alas, he had no Palace then, he kept no Princelike table to feed his Presbyters; these fancies will be ridiculous to learned men; especially to Bishops, to lay the charge on them, to maintain all the Presbyters in their Dioceses. Yet you say, in those times, Bishops and Presbyters were used to live in the same house: What, all the Presbyters in a Diocese? and in the Apostles time? Alas Sir, they were like their Master, they had no houses, but what they hired, nor no tables, but where they sojourned, as appears by Divine story: With what face can you deliver such improbabilities?

But Parag. 10. You enquire, *whence the want of maintenance for preaching Presbyters arises, and you answer, it is from the appropriation of tythes, at the dissolution of abbeyes?* This is true in part, but not in the whole; for I believe, the greater part of Appropriations are held of Bishops, and Deans and Chapters; and if the Bishops be to maintain the Presbyters, and withhold the tythes, who is the thief now? At least, thus far, the attempt is not to restore their impropriations: And I must tell you this too. That there was scarce any Gentleman of any ingenuitie or affection to religion, but he made a far more considerable addition, out of his impropriation,

priation, to the incumbent, then either Bishops, or Deans and Chapters; Though the one purchased them, when the other swore they came into them freely: Nay, some Gentlemen resigned their impropriations freely: I can hear of no Bishop that hath done so; though you say, "*they are bound to maintain their Presbyters*. You close with a jeer; but therein discover your ignorance: Impropropriations were injurious, you confess; and if they be not valid in law, why do not you supply the cure of some great impropriation, and recover the tythes in a legall way? if you cannot, my position is truth; and so not dissonant from the God of truth.

Parag. 11. You bring my words, that if Bishops Lands were bellowed on Presbyters: This would be, not ruine, but to rectifie the devotion of former ages, which you say, "*is somewhat like Cardinall Woolsey's pretence; who dissolved forty small Monasteries of ignorant Monks, to erect two goodly Colledges for the breeding up learned, and industrious Divines*; was not this to turn impediments into helps?" *was not this as fair a pretence as mine?* yes, the very same, and I think few godly and rationall men will disallow it: But you would prove by the event, "*that this was not accepted of God, because his Colledges were not brought to perfection*. But *vulgar res eventu metitur*, its for vulgar capacities to judge of things by the event, not Doctors of Divinitie. And had Cardinall Woolsey, think you, no other sins to make God blast his design; but this pious attempt? Sure, no man that knows his story, will so judge; "*but this gave occasion to profuse sacriledge*; but occasions are not always culpable of ill events, unless they be causes also, as this was not, but the covetousness, and ignorance, with other lusts, of ill-guided men.

Parag. 12. you enquire, "*what the meaning of these words is, this will turn pomp into use*."

I answer not what you say; but so that wealth, which of late, served for the useless pomp of one only Princely Lord Bishop, would provide many able preachers for the use and edification of the Church.

But you proceed, and say, "*that the power of Bishops, which were the main impediments to schism and heresie, we have*

" have covenanted to root out, and have brought in all helps
 " to irreligion and Atheism, &c. But this is but a false sugges-
 sion of yours; for though the power of Episcopacie (as for-
 some faith) was first erected to prevent schism; yet amongst
 us of late, as I have shewed, it was the great occasion of
 schism, & the fautor of divers heresies. That there hath of late
 appeared more heresies and schism among us then formerly,
 is not because Episcopacie was pul'd down, but because we
 were so long without Presbyterie settled, which is yet but
 lately done; for where that is settled, it would far better
 prevent the rise and growth of heresie, then Episcopacie; as
 King James demonstrated to Mountague, Bishop of Bath
 and Wells; depending of him, upon the occasion of Legatts
 Arrianism. what the reason should be, this Scotland was so
 free from schism and heresie, when England was far more
 pestered with both. The relation out of a learned Author,
 you may take as followeth:

Urban Legatt the Arrian, and Weakman, that affirmed them-
 self to be the Holy Ghost, were put to death; Mountague, Bi-
 shop of Bath and Wells, was d King James seriously, whether it
 was, that England did bring forth such heresies, schism, im-
 somuch, that many families, before we were aware, separated
 from us, and fled away; whereas no such thing was observed
 to happen in the Church of Scotland? To whom the King, as
 most skilfull in this cause, must wisely answered; That such
 was the Discipline of the Scotch Church, that it was impossible
 for such things to fall out amongst them: for first (saith the
 King) you must know, that every Church hath its Pastor, al-
 waies resident, and vigilant in his parish; and this Pastor hath
 joined with him Seniors and Deacons, which every week meet
 together at a set time and place, for the censure of manners, this
 amongst the whole flock is known by face to the Pastor, and the con-
 ditions, disposition, and religion of every one, is made apparant:
 no heresie therefore can spring up in a Parish, without notice ta-
 ken by the Pastor; and so prevent the rising of any error in a Pa-
 rish. They have every week their Presbyteries, comprised of all
 the Pastors in a shirewaite, or Diocese, in the chief City of
 that presint; and this, not only to decide the more weighty que-
 stions

f. hat

Scoti parast. con-
 sta. Tileni parast.
 from the relation
 of a Courtier
 of good credit, lib. 1. c. 8.

stions touching manners; but also to try doctrine itself. Here do prophesie at least two; 1. Whichever the first doth only open the text and expound it: The second doth give the use, exhortation, and application. Thus finish'd, the rest meet together, and the two speakers go aside, untill the Moderator of the Presbyterie asketh every ones opinion of the doctrine deliver'd. And if (to say no worse) they do but swell out any thing, either its forthwith burjed by common suffrage, or if the Presbytery be divided in any question, yea at least, the whole matter is hush'd in silence untill the next Synod, which come twice a year. Hither come all the Pastors of the whole Province, accompanied with their Elders, as the state of every Church requires.

The Moderator of the precedent Synod begins with a Sermon; and then, either a new Moderator is chosen, or (which seldom falls out) the old is continu'd. The question refer'd to the Synod, is either compos'd, or hush'd up again in silence, and refer'd to the National Synod, held once every year. Hither come, not onely the Pastors, but the King, or his Commissioner, and usually some of all degrees. Sufficiently furnish'd with judgement and authority to compose any controversie; so Herefie is stifled in the very birth. So you may see, that Presbyterie is a better way to keep out, or under Schisms and Heresies, in King James his judgement, grounded on experience, then Episcopacy. For what you add, 'That the Pulpits and Presses are lock'd up to all Orthodox men; Is false: if to any, it is my grief: I am not to answer for others faults.

Parag. 13. You say, 'Its true, and not true, that by Parochial Pastors, the work of the Ministry is chiefly to be perform'd. True you say, in the Fathers sence, not in mine. But my sence, I shall prove to you, is Scripture sence. For Pastors in my sence, are such as were ordain'd, Act. 14. 23. and Tit. 1. 5. in every Church, and were by the Holy Ghost, made overseers of them to feed them, Act. 20. 28. This you confesse; for these places you understand of Presbyter-Bishops. And I hope you will not oppose Fathers to Scriptures; if you do, you know who must fall, Gal. 1. 8. Its true, that the place of a Bishops jurisdiction, was sometime called a Parish; But that Parish was usually not so bigg as some

some Parishes in *England* now; If they were, how could six Bishops be assembled to the censure of every Presbyter, as the Canon was: sure that above the number of all the Bishops that are in one of our Provinces, which grants hard on your Diocesans, shewing, how unlike they are to ancient Bishops. * *Nor are the ordering of the Church, or ordaining of Presbyters, without the speech of Presbyters by any law of God, but humane custom: No, nor are these the chief works of the Ministry; No Doctor: Preaching, and sound Doctrine are the chief acts of the Ministry, which deserve most reward, as you may see, 1 Tim. 5. 17. and 1 Cor. 1. 17. and therefore, when Saint Paul reckons up Ministers, and their Ministerial acts, governing comes behinde teaching, 1 Cor. 12. 28. Rom. 12. 6, 7, 8.*

But *Parag. 14.* You think to prove, * *That your Bishops do the chief work, virtually from an axiom in philosophy, propter quod aliquid est tribuitur ipsum est magis &c.* But herein you shew your self as bad a Philosopher, as Divine: for doth *propter quod*, note out an efficient cause, or the final cause, think you? You are therefore mistaken in your axiom, which is false, being as if you had said, Presbyters are made Preachers, *propter populum*, for the people: *ergo* the people are more Preachers: A wise conclusion. We have a rule indeed, *quicquid efficit tale, est magis tale*. And I will grant, that they that ordain Preachers, ought to be more Preachers themselves; but that, you know, is false in experience, in most of your Bishops; therefore you should know, that such Axioms, are true onely in *natural*, not in *voluntary* causes, as the Logicians will teach you. Neither are the Bishops the total causes of Preachers: *Alas*, at the most, they give them but Commission to use their gifts authoritatively, which gifts they have from God, and are the fundamental cause to make them Preachers. Nor can Bishops alone ordain Presbyters; that I have proved before. And what if I should prove it now by an axiom of philosophic? *Generare sibi simile. To beget his like, is the affection of a living creature;* And Presbyterie, you know, is a living office, *ergo*, Presbyters may ordain Presbyters. I believe, you will sweat to give a rational

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but Jesus Christ? So the Apostle, who is the best interpreter of himself, explicates it, 1 Cor. 3: 11. and adds, *Plura est ista-
ti-Christus, qui sibi nullum suum nomen Christo ostendit. He is
plainly anti-Christ, for he gives to himself (or to any other)
what is only Christ's.* What think you of this? Again,
those that take the Apostles to be the translation, in respect
of their persons, authorising the doctrine of their doctrine,
I believe Sir; and will you compare your doctrine, for do-
ctrine to the Apostles and Prophets? What is such, were in-
fallible? Nay, do you not confess the doctrinal part of the
Ministerie to belong to the Presbyter, as well as your Prelate,
and so likewise performed by them? and have you not made
a fine proof of the fall of the Church with Bishops, out of
this place?

But you say, *Par. 13. What, no danger of sacrilege in
robbing Father and Child?* But you answer for me, that
it is no sacrilege, because the means shall be be set on the
Church: and that's a reason which you cannot answer: For
sacrilege is an alienating of that which was justly devoted for
sacred use, or profane use, and such a change, so were
be a continuance of holy use, is no sacrilege. And shall we
rob our Father; for, as you confess, his treasure was first gi-
ven to the Church in general? The Bishops had not propri-
ety, but use of some, and with the rest they were to main-
tain the Presbyters, which are wanting in many places,
for want of maintenance. Now for those, in whom autho-
rity lyes to take care for the edification of the Church:
To dispose the Churches Patrimoine, so as may be best
for edification of the Church, appointing it to maintain
preachers, not pomp, will be counted neither sacrilege, nor
theft, by rational and good men. But you say, *Verba
Church of her husband 100; for though a Church have 100
Presbyters yet she hath but one husband: so that great Coun-
sell of Chetelam;* but that Counsell spake according to the
corrupt customs of those times, not according to the tenor
of Scriptures, who make all the Presbyters over-seers over
their particular flocks, to dwell with them as men of know-
ledge, and to take care for them; and that's to be in your
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sonce husband; is it not? After you have made the Church a widow without a Bishop, you add, *While a Widow, she can bring forth nothing but a bastard brood, consider that;* yes, I shall consider it, but to your shame: what if a Church continue, as often it hath, through covetousness and faction, long without a Bishop; are all the Converts, begotten by the word of truth preach'd by Presbyters, bastards? nay, what if Churches without Episcopacie, are all her Presbyters bastards? Do you thus gratifie the Papists, and abuse all the Ministers of our sister reformed Churches? many of which far outstrip you in all ministeriall qualification; your assertion therefore is very considerable, to discover what a Popish spirit you are of.

For *Parag.* 20. Whether your conclusion will follow on the premises, or mine, I now leave to the judicious Reader. I would not have the King, for fear of the people, to do any unlawfull act. I disclaimed it in the very entrance of my Case resolved: but I only perswade to what, for ought I yet see, I have proved lawful; and that to rescue a perishing kingdom, and prevent the hazard of his Crown; which, that it may be firm, and flourishing on his head, is my daily and heartie prayer, as those that know me can very well witness, notwithstanding your ignorant calumniation, to the contrary.

Case of Conscience Resolved.

MY second Antagonist exceeds the first, both in subtiltie and peremptoriness; for he plainly affirms, that the King cannot desert Episcopacie, without flat perjurie; and hence falls foul, both on those that would force him to it: and also on those moderate Courtiers, that for peace sake, counsel'd it. He disputes thus; There's difference between laws and oaths: Where the supream *ius dominis* is, there is a power above all laws, but not above their own oaths, in whom that power is; for law bindes only while it is a law, that is, till it be repealed: But an oath bindeth as long as it pleaseth him, to whom it is taken: The reason is, because the supream

Supream power may *cedere jure suo*, and oblige himself where before he was free; which if they do by promise justice binds them to performance; but if by an oath, (the matter being lawful) then are they bound in religion and conscience; for an oath adds a religious bond unto God. If this were not so, no oath were binding to them.

I answer; First, its a ground laid down by this Author in the same place, that no oath is obligatorie beyond the intention of it; and then I first propound it to consideration, whether the intention of this oath be not only against a tyrannous invasion on the rights of the Clergie, not against an orderly alteration of them, if any prove inconvenient; and to protect them against violence, not against legal waies of change?

For first, this is as much, as is rationall for a King to undertake; and therefore in right reason, the oath should have no other sense, if the words of the oath will bear it, as the words of this oath will.

Secondly, this oath to the Clergie, must not be intended in a sense inconsistent with the Kings oath, to the people, first taken for their protection in their laws and liberties; for then the latter oath will be a present breath of the former, and so unlawfull. Now one of the Priviledges of the People is, that the Peers and Commons in Parliament, have power, with the consent of the King, to alter whatever, in any particular estate, is inconvenient to the whole. And therefore he cannot afterward engage himself to any particular estate, to exempt it from this power; for by that oath, at least, *castis jure suo*, in this Authors judgment; The Clergie and their priviledges, are subject to the Parliament, or they are none. I hope, they will not now claim an exemption from secular power: But if they be under Parliamentarie power, how can it be rationally conceived to be the meaning of the Kings oath, to preserve the Priviledges of the Clergie against that power, to which they are legally subject? or how was the oath in that sense, consistent with the priviledges of the nation, formerly sworn to by the king? If the oath had such a sense in times of Poperie, when the Clergie were a distinct Corporation; yet when that exemption was abolish'd, as a

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branch of Anti-Christian usurpation: The change of their condition must needs change the intention of the oath, unless they will say, that the Crown stands still engaged to them, to maintain such privileges as by Act of Parliament, were long since abolished, which is to make his oath to them contrariant to that taken before, for the maintenance of the laws: Furthermore then, to make the intention of the oath to be against a legal alteration by Parliament, makes it unlawful and so void obligatorie. And if it be not intended against legal alteration, the king may pass a Bill for the abolition of Episcopacie, when his Houses of Parliament think it convenient, and petition for it, without violation of his oath.

CHAP. X. PARAG. II.

Wherein is shewed, what the true intention of the Kings oath is, for maintenance of Episcopacie, in answer to Doctor Boughen's 8. Chapter.

I Come now to answer the 8. Chapter, wherein you were pleased to take in hand this passage, beginning with my answer to my latter opponent, first; and yet you did not make an end with him, before you undertook to reply to my answer to my first opponent; which now judicious it is, let the Reader judge: For what advantage you did it, you best know.

The question is, you say, "*whether the King may desert Episcopacie without perjury, a question too high for my subject*"; but you are enforced to make that a question, that is "*how so loyal ears, lest you may seem to avoid my subtilties and subtle cavills, as unanswerable*." Good words, Doctor! If the question be too high for a subject, have not I the same plea for meddling with it, that you have being led into it by my opponents? but the truth is, the question is fit enough for discussion, so it be done with reverence; whatever I am, I know you will consent, that both my former opponents knew

knew as well their duty to our Sovereign, as you your self, and were as observant of it: when men are to act by council, or prayer for kings, unless they know, in Cases proposed, what is conscionable for him to do, or not to do: how can they rightly perform their duties? To balk such question therefore, on just occasion, is not duty but dexterity; and to leave kings and their Counsellors without needfull help: but you have a quarrell to me, for saying, *my second Argument is, first, that the King cannot defend Episcopacy without first perjury, and say his words are far more mannerly*: why did you not then set down his more mannerly words, but abuse your reader with a falshood? but you will prove the thing, *that Episcopacie may not be defended without violation of oath, and the Church left to strive*. No Sir, we would purge it of Inimie, and danger too, which they exposed its choicest outward privileges to; but how do you prove it?

First, *Parag. 2. You go a begging, "telling one of my confession, when I do but take the words of the oath from my Antagonists mouth, and assume as a proof, that the oath is as he relates it. To prove the Bishops, &c. and then you bring your observations, 1. Good Kings should be flaps, 2. They ought to do it. 3. It right they ought to do it."* But when I confess, that these words are in the oath, must I therefore approve all that is in the oath, yea, and take them in your sense too? I hope not.

Thus far, I approve the kings protecting Bishops within the limits of their calling set them of God; but our Prelates have excluded their fellow-Presbyters. But thirdly, *as of right he ought to do*; I take to be a limitation how far he engageth himself, that is, so far as a good king in right ought to do, and if he go no further, he is injurious to none, though he displeases many, as you say. *Parag. 3.*

Parag. 4. You add, *"the King hath sworn to be protector of the Church under his government, but that cannot be, unless he protect the Bishops, who are the Ministerial House of the Church."* This is a false inference, for though the Ministerie be necessarie to the Church, yet not your Prelacie, which is but an humane additament: your proof is unpersuasive,

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uous, to make any man a Ministeriall spouse of the Church, as well as it is for the Pope to be made a Ministerial head of it.

Yet you repeat it, *Parag. 5.* With our frequent dish of *no ordination without them*, which hath been often enough answered. You conclude, "if Bishops be of the same order with the Apostles, you have Calvins acknowledgment, that the Church cannot stand without them: yea, and mine too, and yet never the nearer; for, *Ante Leves ergo*, &c. as soon shall you finde Harts feeding in the middle region of the air, as your Bishops among the Apostles.

You add, *Parag. 6.* "that the Church cannot be without the Bishop, if we believe Cyprian, that the Bishop is in the Church, and the Church in the Bishop; you add, that the Church is in the Bishop, causally, &c. If you understand by the Bishop, the Ministerie, and by causally, as an instrument of its preservation; I grant it, without any inconvenience: otherwaies we can grant the Church to be causally in none other but Jesus Christ, the true head of it; nor is there any other that is fountain of it: just as flat Poperie to judge otherwaies, as to make the Pope the head of the Church: nay worse: For *Hart* makes the Pope to be the head; not as the fountain of life, as your similitude imports: but only in regard of directing the outward functions; and yet for this, that mirror of learning, Doctor *Reynolds*, doth implead Mr. *Hart* of high treason against Christ. And I remember also there, a witty and rationall answer, that our learned Doctor makes to a place cited out of *Leo*. He grants *Leo* was an ancient learned, holy, and witty man, yet a man, and a Bishop of Rome, &c. and applies to him a saying of *Tully* to *Hortensius*, when he immoderately praised eloquence, that he would lift her up to heaven, that himself might go up with her; so did *Leo* lift up *St. Peter*, &c. So *Cyprian* was an holy man, but a Bishop, so he might extoll Bishops, that he might lift up himself with them. See confer. between *Reynolds* and *Hart* cap. 1. di. 2. therefore your premises have not yet force to draw my consent to their conclusion.

Parag. 7. You grant, "that the oath is not obligatory beyond

beyond the intension, that is, say you, according to the common
"plain and literal meaning of it; good; as the plain literal
meaning is to be found out of the grammall of it; and other
circumstances, that may convince the sense of the intension of
it.

You add, *Parag. 8. "That the oath is to the Charge, The*
"King must have respect to them and their intensions."

I answer, not mentall, but what the words of the oath
 import, considered with its circumstances; not so much to the
 intension of the now giver, as the first framer.

Now, I beseech you, if the King should have ask'd the
 Bishops, at the giving; whether if a Case should fall out, that
 he must not only venture (which he hath done,) but lose his
 Crown, rather then fail to save them; whether they would
 have said, yea, that is the meaning: Truly I believe not, and
 if they had, the King and Peers, and people, would have hind'd
 them out rather, than the one would have perswaded, or the
 other would have yielded to have taken it with that sense and
 intension.

Parag. 9. You enquire, "Whether what hath been done,
"hath not been a grammall invasion?"

I answer, there hath been too much tumult, and Ministers
 have suffered too irregularly on both sides; but when the
 Houses present a Petition to the king, with a Bill for abolition
 of Episcopacie, that only is the regular way, that I de-
 fend the king not to be engaged against.

Parag. 10. You say, "it was his duty to protect you while
"it was in his power."

I answer, it was, and is his duty, so far as it was intend-
 ed in the oath, but was not to hazard the destruction of him-
 self and kingdom, for your Prelates; yet I advise not the
 breaking of his oath, as you would hint; but I limit the in-
 tention of the engagement of the oath, as in reason it ought
 to be. *If you be not against an orderly alteration, (as you say,*
Parag. 11.) You grant the question, for then if the Parliament
lay down their swords, and come with a Petition to desire
his assent, notwithstanding his oath, he may assent, which
waits the thing to be proved.

For my part, I abhor force upon a king; but if he might sign a Bill without force, I see no reason why danger of force can make it unlawful.

To *Parag. 12.* If, if the king hath done his best to protect them against violence, they can require no more, he hath done as much as his oath doth require; now he may take care to preserve himself, issue, and people. And for his Ministers, let them answer for themselves.

CHAP. X. PARAG. 3.

Showing the right sense of the Kings Coronation Oath, from this, that what he undertakes for the Bishops, must not be conceived to cross what he hath promised to the people; in answer to Doctor Boughen's 8. Chapters.

I Proceed now to answer your eight Chapter, whose very Title is ominous, "Whether the Kings Oath taken to the Clergie, be injurious to his other subjects, and inconsistent with his oath to his people." Hereby you would insinuate, that I affirm it is, whereas I affirm, it cannot be conceived so to be, and therefore we must not put a sence upon it to make it so to be; and from this ground, I impugne your false sence of the oath, namely, that it takes away all power from the King, at the suit of his Parliament, to alter any of their jurisdictions, whereof they shew the grievance. Its therefore a calumnious insinuation of yours, *that I do set the liberties of the people against the Clergies;* Its your false inhancing your privileges above those of the people, alterable by King and Parliament that is guiltie of the incompatibilities of their privileges, if such an evil be; and therefore I say Amen to your prayer, closing *Parag. 1.*

Parag. 2. I agree that Gods law is unalterable by man: And I desire no more from you then that, *what is sealed by man is alterable by man.* For I plead for alteration of no priviledge, but what is from humane indulgence, and that such

an one too, that the Church may better want it, then have it in her Clergie.

That of *Par. 3.* 4. Touching *justness of laws*, may pass with some Animadversion of that of *Ocham*; that *laws, nemini notabile afferant nocumentum*: If by *nocumentum* we understand dammage. For the law to pull down the houses in *Rome*, that stood in the *August way*, (their principles granted) was just, yet it brought notable dammage to the owners, but the publike good, was to carrie it away: So laws among us against Monopolies undid some; yet the publike emolument made the law just.

Parag. 5. 6. Are ignorant, trifling, or worse: For first, *you quarrel at the phrase the protection of the peoples laws; who say you, made them Law-makers?* Not I Sir, but when King and Parliament have made them, they have propriety in them. The priviledge of them is usually called part of their birth-right. A man may call an house his own, because he possesseth it, and hath the benefit of it, though he made it not. So I call the laws the peoples: But yet the following cavil is worse: For whereas I say, one of the priviledges of the people is, that the Peers, and Commons in Parliament, have power, with consent of the King, to alter what ever, in any estate, is prejudicial to the whole. *I had thought (say you) this had not been a priviledge of the people, but the Parliament Representatives, not the people Representatives, &c.* And again *parag. 6.* *How the Lords will take this, I know not; Can they endure their power to be derivative? &c.* Which all are but trifling and odious mistakes: For he might well know, that by People, I mean all, in distinction from the King, of what state soever, Peers, or others: Nay, doth not he himself take it so? witness his own expression *pag. 49. lin. 1. 2.* *Under this Word, People, are comprehended the Nobility, Clergy, and Commons of this Kingdom.* How trifling then are his exceptions, as though I set the people against the Parliament? When under People, I comprehend, as himself doth, all the Members of the Parliament.

And yet more absurd is your trifling, *parag. 7.* in arguing against those words, *That the Peers and Commons, have power*

power to alter whatsoever is inconvenient, because it is in the Kings consent to confirm, or cause a law. Sith I add in the same place, as you confess in *parag. 8.* with the consent of the King, and so ascribe not power of alteration without him, but with him: sure (as they say) the Eagle is hungrie, when she catches at such Flies.

As in pertinent are your questions and answers, parag. 8. But *parag. 10.* You proceed to number up the inconveniences that will arise to the people, by stripping the Clergy of their immunities. But you must tye your self to the immunities in question, else you say just nothing to the purpose. *First, the cause for sacrilege;* but I have freed the alteration intended from guilt of sacrilege, and therefore that is the cause causeless, that shall not come: If no more be done, then by my case, I prove lawful. If any do proceed further, and commit sacrilege: Whether many, or few, young or old, willingly, or ignorantly, I excuse them not, but joyn in your censure, *parag. 10. 11. 12.*

But *parag. 13.* When the Church is strip of her means, *What kind of Clergy shall we have?* Jeroboams Priests, the lowest of the people (say you.) And have we not had many such, under the Bishops, in their, and other Lay-impropriation? Nay, was it not a design to fill all the Parishes in the Episcopal Cities, with the Singing-men of the Cathedral? Which was in a great part effected: and were not they of the lowest, and many times of the worst condition of the people? This is like to continue, and increase, if the Church be further spoiled. But if the Bishops, and Deans and Chapter lands be imploied to maintain Parochial Pastors, this will help to fill the Church with able and learned Preachers, and encourage men to dedicate their Children to the Ministry, and them to embrace it: because if they be learned and unblameable, there will be more opportunities of advancement, though not of so great promotion, which was considerable but to a few.

So the second inconvenience, pressed, *parag. 13. 14. 15.* is avoided also. *parag. 16.* All the inconvenience (you say) *that Master Cere presseth,* but we are not subject to the
Parliament

Parliament. But how far forth we are, and are not, we shall hear anon.

Parag. 17. 18. You tell me, *I speak much of a first and second oath.* I answer, if that be an error, I was led into it by my first Opponent, that distinguish'd between oath and oath; and the oath to maintain the privileges of the Clergie, he saith expressly, is taken after the oath to the whole Realm: neither do I see any thing in your Analysis of the oath here, or the delineation of the oath, in the beginning of your Book, that invalidates the expression of my Opponent in realistic, though in some formalitie it doth. For these I see that the King had particularly, and distinctly, engaged himself to the whole Realm, before he came to the Bishops, which are the onely part of the Clergie, about whom our controversy is; and what he hath promised to them, confirmed by his oath, must not contradict what he hath promised to the other: which promise must be understood to have a priority in order, in the bond of the oath, as well as in the bond of the promise.

Parag. 19. You speak of sending us to *Magna Charta*, to know who the People and Commons of this Kingdom are, &c. which only fills up to much paper, being nothing to the question in hand.

But *Parag. 20.* You reckon up the Privileges of the Church, as you have gleaned them out of *Magna Charta*, and *Sir Edward Cook*, in number 8. The second is, that no Ecclesiasticall person be amerced according to the value of his Ecclesiasticall benefice, but according to his judgement; and according to the quality of his offence. The third clause is reason, the former a priviledge without reason, and prejudiciall to the Civill state, and gives many Ecclesiasticall persons leave to sin unpunish'd. The fourth, That all Ecclesiasticall persons shall enjoy all their lawfull jurisdiction; and other rights, wholly without any diminution, or subtraction whatsoever. I pray you, if the Kings Coronation-oath engage so to the confirmation of this priviledge, that the king cannot consent to allow it by Act of Parliament; how can that act be justified, that enables the Crown of England to appoint what

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what persons else they will, to execute all Ecclesiasticall jurisdiction in this kingdom? If that statute were lawfully made, notwithstanding this oath, why then may not another statute be made against their standing, sith by the former they may be made unusefull? and yet the former, you brag, you

"have engaged your selves to maintain, in your oath of supremacy, Parag. 9."

The fifth privilege you name, is, *"that a Bishop is regularly the Kings immediate Officer to the Kings Courte of justice, in causes Ecclesiasticall."* Whence I gather, that by our law, a Bishop is a kings creature, no Apostle; for he was the immediate Officer of Christ: though subject, in doing or suffering to the Civill Magistrate, though heathen.

You conclude, *"that it is provided by act of Parliament, that if any judgement be given, contrary to any points in the great Chartre, it shall be holden for nought, &c."*

True, unless it be upon some particular statute of a latter Parliament, with the king enacting things to the contrary.

Parag. 21. You say, *"that I go forward, as if it were certain, that this to the Clergie, was a severall oath from that to the people."*

I answer, I disputed upon my opponents proposals; and learned opponents do not use to make their cause worse, then it is, nor indeed doth he: for though the king swear but once, yet he promisseth the things he sweareth, severally, and the promise of this to the Bishops, in question, is last; and therefore, in competition, must give way to other engagements: neither do the statutes, for confirmation of *Magna Charta*, binde the hands of succeeding Parliaments. Whose hands, as the learned Chancellor *Bacon* observes, cannot be bound by their Predecessors, if they see reason of alteration; a supreme and absolute power (saith he) cannot conclude it self. *Hist. of H. 7. p. 145.*

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CHAP. X. PARAGRAPH 3.
 Shewing, that the Clergie are equally under the Parliament,
 as well as Laytie, in answer to Doctor Boughen's 2. Chap.
 ter. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

I Now come to answer your ninth Chapter, which is an angry one; which makes me think that you were sorely puzzled: My Dilemma is, They are subject to the Parliament, or they are not. He answers, "subject they are to the Parliament, consisting of head and members, and so the members are also without the head; for we are subject to the members, only for the heads sake." Truly, this grant is all that I desire, or need; for the Parliament, I propose the Dilemma about, is that which consists of head and members united; so which if they be subject, then may the people determine of any of their priviledges, in their own nature alterable, as they do of those of the people. Indeed, the King and Parliament ought not to take away any priviledges that are for edification, but such as prove impediments rather; but of these they are to be Judges, in the application of their power; and that is all needfull to be said to Parag. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 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And yet I leave it with confidence to the judicious Reader, as also, what I have said in the former Paragraph, touching a former and latter oath.

But whereas you ask, Parag. 2. "with what face you say, that the Kings oath to the Clergie is inconsistent with his oath to the people," parag. 3. I wonder with what face you can aver it; when as I directly say, it must not; and therefore take off an interpretation of it, that would make it inconsistent; whereas you say, "the nation is weary of the Kings oath, for he hath sworn in three years; for but a piece of nonsense, (with this three years) except a little lived here in the City of London, and some few places more) the truth is, and our miserie is, that we have been under no benefit-
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alllicall government at all.

Parag. 7. You mention my words, "*if the oath had such a sence when the Clergie were a distinct Corporation, on which you spend your judgement, if you know what sence it is.*" Truly Sir, you are the worst at picking out sence, that ever I knew, of a D. D. My meaning is plain, if the oath had a sence to exempt them from power of Parliament, it must be when they were a distinct Corporation, under another Supremacie, which now you disclaim.

Parag. 8. You mistake, "*in saying I am content to distinguish you and your Priviledges from the Clergie.*" I answer, to the distinction brought by my opponent, that it is not such, but that the Priviledges of Clergie and People (I mean such as are alterable), are equally under Parliamentarie power, for alteration on just grounds. And the kings oath to you is as obligatorie, as to the people, in the right sence, and intencion of it, which the review of the Covenant sheweth, is all the obligation of an oath.

Parag. 9. You speak of the intent of the oath, "*that the Clergie, as though the intent were to make it slavery.*" Sure Sir, its far from my intent. The English Laytie are not slaves. He that saith, the Priviledges of the English Clergie, that they hold by law, are loyable to them, while the law remains; but that the laws concerning them, are alterable; makes them not slaves, but equall in freedom to any English Lay-subject.

But Parag. 10. You would pretend to a little subtiltie; for you say, "*the change of the Clergies condition, from Popery to Protestantism, was for the better.*"

I answer, undoubtedly, for better, morallly; for now we are in Christs way. Let every soules subject, see Rom. 13. 1. Then we were in Anti-Christ's way: but yet in a civill respect, we have not such exemptions or liberties as we had: we are more under uncivill power, but this is for the better; for that liberty that is without Gods leave, is not indeed a priviledge, but a snare to the party holding it. I confesse with you, "*that the intent of the Kings oath, was to prove his subjects in their severall places, dignities, and degrees, and not to suffer*"

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fer them to oppress one another ; but not to deny any Bill, that upon advisement, shall be presented, and manifested to conduce to the weal publique.

You proceed, Parag. 11. " *The intention of the oath, is to maintain the ancient, legall, and the just rights of the Clergie.*

I have answered, it is to maintain them against illegall oppression, but not against legall alteration, that you should prove, but do not. The continual practice of the nation is with me, wherein by divers statutes, many Canonical Priviledges have been altered, as 25. H. 8. all Canonically Priviledges, contrariant to the Kings Prerogative, and civil laws, and 1 of Elizabeth, in giving power to the Crown to exercise all Ecclesiasticall jurisdiction, by whom she will appoint; and this is all that I affirm; that Priviledges are alterable by an orderly way in Parliament; and therefore you may take the Ghostly Fathers place to the man of sin, which you would bequeath to me; you are fitter to serve the Pope then I; you hold, *no Bishop, no Church*: but such passions I look at, but as winchings when an argument pincheth.

For Parag. 12. I consent to Sir Edward Cook, in his opinion, *of the Kings engagement, to maintain the rights and inheritance of the Church*; nor is he against my limitation, for its known what his opinion was, of the power of Parliaments; That they might alter what ever they saw inconvenient to publikeweal.

In your parag. 12. You wilfully slander me, *that I would persuade the Laytie, that the Clergies weal is their woe.* I only affirm, that if all such Priviledges of the Clergie, that are in their nature alterable, be made unalterable by the kings oath; (that let the kingdom sink or swim, the King cannot consent by Act of Parliament, to alter them,) then are they inconsistent with the people; and this I say again. And I am carried thereto, by evidence of truth, and not any *caninus appetitus* after wealth and honour. Those that know me, will but laugh at your rashness, in these mistaken calumnies.

The former part of your 14. Parag. is passionate nonsense,

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sense, the latter part is a contradiction; for you say, "if this oath be not against legall alteration, in the true and literal sense, &c. The King may not, without violation of his oath, pass a Bill for the abolition of Episcopacie. What (I pray you) is legall alteration, of any thing here in England, but alteration by consent of the King and Parliament? How can this oath then, if it be not against a legall alteration, be against an alteration by Bill in Parliament? which is the only legall alteration of Priviledges, founded on law in England; you are the strangest opponent that ever I met with, you make nothing of giving the cause, and railing at me for carrying it.

To as little purpose is all you conclude with, parag. 15. Whereas I say, he may pass a Bill; you wonder, I say not, he must pass a Bill; you add, I say that which is equivalent. He cannot now deny consent without sin; but yet Sir, this must arise, not from any authoritie of the Houses, but from the condition of the King, to preserve, or restore peace to his kingdoms: For the kings negative voice, I alwaies asserted it, as well as you, both in word and writing; but I affirm, he hath power of an affirmative voice, to confirm any thing that is for good of his people, which he hath not, nor ought not to swear away.

It may be, you will say, true, if abolition of Episcopacie were for the good of the nation.

I answer, that's to pass to another question, and to grant this in hand; but besides, the King and Parliament are to judg of the goodness of it, for the nation; and if they erre, they are answerable to God alone.

Case of Conscience resolved.

Secondly, I answer, from the expressions of the oath itself, as they are set down by the same Author, pag. 74. To protect the Bishops and their Priviledges, to his power, as every good king in his kingdom, ought to protect and defend the Bishops, and Churches, under their government.

Here you see, the engagement of the king, is but to his power,

er, as every good King ought in right to protect, &c.

Now such power is no further then he can do it, without sinning against God, and being injurious to the rest of his people. When then he hath interposed his authoritie for them, and put forth all the power he hath to preserve them; if after all this, he must let them fall, or support them with the blood of his good subjects, and those unwilling too, to engage their lives for the others priviledges; I think none need question, but that he hath gone to the extent of his power, and as far as good Kings are bound in right; for it is not equall, to engage the lives of some, to uphold the honours of others. That were to be cruel to many thousands, to be indulgent to a few. Suppose a king put a Commander into a City, and give him an oath, to maintain the Priviledges of it, and keep it for him to his power; and this Commander kept this town till he hath no more strength to hold it, unless he force the Townes-men to arms, against that priviledg which he hath sworn to maintain. If this Governor now surrender this town upon composition, doth he violate his oath? I think, none will affirm it: Such is the case with the king in this particular: when he hath gone as far in their protection, as is consistent with the weal of other his liege people, which he is sworn to tender; he hath protected them to his power, and his obligation is no further by the words of the oath.

The only objection, as I conceive, which lyeth against this, is, that though it be not in the Kings power to uphold them, yet it is in his power, not to consent to their fall.

Ans. If the king should be peremptorie in denial, what help would this be to them? Such peremptoriness in this circumstance, might endanger his Crown, not save their Miters. Besides, though it be in his power to deny assent to their abolition, in a natural sence, because *voluntas non potest cogi*; yet is it not in his power in a morall sence, because he cannot now deny consent, without sin; for if he consent not, there will evidently continue such distraction, and confusion, as is most repugnant to the weal of his people, which he is bound, by the rule of government, and his oath, to provide for.

CHAP. XI.

Shewing, that the King is not bound to protect the Bishops honours with the lives of his good subjects, in answer to Doctor Boughen's 16. Chapter.

I Proceed to the answer of your 16. Chapter, entituled, *how far forth the King ought to protect the Church and Bishops.* You begin, "it is confessed to my hand, that the King is engaged, to his power, to protect the Bishops and their Priviledges, as every good King ought in right, to protect the Bishops and Churches under their government." It is confessed, that these are the expressions of the oath, as it is set down by the Reviewer; but you should conceive, that I propose these two clauses, as limitations of the kings engagement, that is, 1. *To his power.* 2. *only so far forth, as in right he ought;* and I do not say, the engagement is put upon him by the Author, as you ignorantly suggest, but that these are the expressions of the oath, delivered by the Author; but he is not, in right, bound to protect their priviledges against an orderly alteration by act of Parliament, if any appear inconvenient to the whole body, for that is not right.

Parag. 2. You confess, the King is not bound further to exercise his power in protection of Bishops, then he can do it without sinning. And I after prove, he cannot so protect them, as to denie a Bill in that circumstance of affairs he and the land were in, without sin; what you answer to my proof, will be seen in the sequel of this Chapter. How I have answered your proofs, that he cannot let fall Bishops without mischief to his people, &c. in your eighth Chapter, let the Reader judge.

In that you say, *parag. 3. That the Kings interposing the power he hath, vexeth my confederacy;* Is I doubt your wilful ignorance; for the frame of my Book might clearly enough hint unto you, that I neither was of, nor liked any confederacie

confederacie against the King.

Neither have I, as you say, *parag. 4. Confess that what the King hath done, is right.* Right it is indeed upon his principles: But I do not think, the King is bound in right to maintain Bishops, in *Statu quo*, in the state wherein they were; and he is willing now to regulate them by their Presbyters. But whatever I confess in justification of the King, is not (as you say) *the justification of an enemy*; unless he that pleadeth, prayeth, suffereth for the King, and his just and Kingly libertie, be his enemy, because he is against the usurping power of Bishops.

Parag. 5. If after all this, he must perforce let the Bishops fall, you and your schism have much to answer for. Still a Slanderer; its none of my schism, to force the King to let them fall; For though I prove, he may let them fall; and that it is for the advantage of the Church, that they should fall; yet I was always against forcing him to it; for, I think, it is much more reason, that his conscience should be left free in its determination, then my own, or any private mans; in as much as God hath set him in so high a degree of eminence in his Kingdoms.

But that you say, *the sword was never drawn on the Kings side, to maintain Religion established: They never leav'd off fight for Religion*; It is an ignorant speech, misbecoming a D. D. For what juster cause of War, or more weightie, then to maintain Religion establish'd? Its true, we may not fight to set up a Religion (which is true) against the laws and authority of the land where we live; that were against the direction to Christians under Heathen Emperors, *1 Pet. 2. 13. 17. 20.* But to joyn with authority to maintain Religion establish'd; (supposing it true) with the last drop of our blood, is the most glorious quarrel; and so I doubt not, but the Royal partie learned, though not from you, yet from better Divines. For your clinch about *good subjects*; Its frivolous; for the War costs blood on both sides, and the King loseth on both sides, for all are his subjects, and I doubt not, but he hath good subjects on both sides, in regard of meaning, and intention, though its true, one side *needs*.

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needs be in a grand error.

Parag. 6. You confess, it is an hard case for one man to engage his life for the maintenance of anothers priviledges. But who did so? Not a man (say you) engag'd himself, but by the Kings command, which you after prove, and state the question as you please. But this is but to shuffle, and alter the state of a question, to blude the force of an Argument, which you cannot answer: That which I said, was, it was not equal for the King to engage, by his command, the lives of some, to maintain the priviledges of others, which I spake upon this supposition; That if the King had condescended in point of Episcopacie, the Wai would have been at an end, Laws restored to exercise, &c. For both City, and the Scottish Nation, would have closed with him: and for this cause alone, viz. to maintain power of Bishops, I say, it would not have been equal to have engaged the lives of others; nor were they willing, as I have been informed, Nobles, nor others. It may be, the King thought condescension in this, would not have set him and his people, in quiet possession of their rights; but I cannot but wish, that it had been tryed, that nothing lawful had been omitted, by which there was any hope to have saved a great deal of misery, that his Majestie, his Royal relations, and the whole Nation hath suffered.

But *Par. 7.* You deny them to be others priviledges, and affirm "them to be the peoples; because they reap spirituals from them. But truly I must tell you, that the people reaped but little in spirituals from many of the Bishops, who seldom preached themselves; and ribbd many people of their spirituals, by silencing their Ministers; and though there were no Bishops in England, the people may reap spiritual things from the Clergie, as plentifully, if not more, then ever they did; as well as without them, they do in other reformed Churches. But what you add, "That the able suffering of the Clergie, all Families suffer; you substitute Clergie for Bishops. Other of the Clergie may be in better condition by the removall of loading Bishops; but in your proof that one of the Tribe "of Judah, of the most remarkable Family, carried Priests
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That is so gross an oversight, that it is most unbecoming a D. D. for its expressly said; that young man was a Levite by birth. And the argument of *Micah*, plainly proves him so, or else he had been in no better case with him, then with one of his own sons, whom he had consecrated, if that would have made a Priest. See *Judg.* 17. v. 5. 15. The Levite indeed turned Priest, which was his wickedness; for a Levite was not to do the Priests office. There is indeed an ambiguous expression, touching this Levite, *v. 7. A young man of Bethlehem Judah, of the family of Judah.* But if you had consulted Interpreters, you would have found them generally agreeing that he was a Levite, though differing in their opinions, how he was of the family of *Judah*. Some saying, by his Mother, some referring it to the City, to distinguish it from another *Bethlehem* in *Zabulon*, &c.

You add, *parag. 9. What if Magna Charta do oblige all* "to stand up for the due observation of these privileges? then "we must acknowledge that we are bound to obey his Majesty commanding, &c." Still you alter the question; for the question is, Whether it can be supposed equal, that the King should stand bound to engage the lives of many, for the privileges of a few Lord Bishops. I hope, you think it not the meaning of *Magna Charta*, that every one should engage their lives for every paltry privilege of another. But its well you can now confess, that *Magna Charta* is a great and justly magnified Charter. If you and your Prelates had been of this mind formerly, and not been so deep in breaking, and countenancing the breach of it in others, by illegal imprisonments, impositions, fines, both of Laytie and Clergies, England might have escap'd this *cannensem calamitatem*, this ruin-threatening calamitie, under which it is ready to expire; to which the breaches of *Magna Charta* gave the first occasion, and the fairest colour.

Parag. 9. You make an objection touching *Abbeys and Priors* provided for by the same Charter, yet since taken away by act of Parliament, which you confess. But first, you would have us observe, how they prospered that did it. Secondly, that *Master Beza* and my self call it sacrilegious.

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We do so, and that we judge the cause why they prosper'd not that did it, because they did it with that sinful circumstance of devouring holy things, which shew'd also their want of sinceritie in it. Thirdly, you say, *that they are forie stiled enemies of our Sovereign*. But they did not hear it, they were born long after the Statute of 25. Edward 3. Fourthly, you cite the *Counsel of Chalcedon, that no consecrated Monastery may be turned to a secular dwelling*. I answer, Counsels may erre, and so may that of Chalcedon; if the profit of the house had been imployed for pious uses; I see no ground of complaint or censure. Fifthly, you say, *you hope "I will make a difference between our Saviours institution, and mans invention*. Truly I do, and have proved Diocesan-Bishops to be no institution of Christ, but man, in the foregoing Discourse. And lastly, *I joyn with the wishes of those pious men, and move (as you know) not a devouring but a diversion of Chathedrals maintenance*; (Besides what is requisite to maintain needful preaching there,) to procure and encourage able Parochial Pastors (who are the undoubted Ordinance of Jesus Christ) all the Land over.

Parag. 10. You do but beat the same bush again, in citing again *Magna Charta*. I confess, the kings engagement to maintain the Priviledges of the Clergie, so far as he is bound by right; nor is any act of the king, or the Houses without the king, valid against it; but king and Parliament joyning, they may over-rule some parts of it, and upon just ground warrantably, as appears in all experience, as in paring Episcopall Canonical priviledges, nimirishing their jurisdiction by the high Commission annex'to, and set over Bishops, &c.

Parag. 11. You enquire, "*Whether it be equall to engage the lives of some, to destroy the honours of others?*" This is impertinent to my Case, and though I count not your Bishops, plantations of Gods right hand, yet sith they had footing by law, it hath been my grief, that force hath been used to pluck them up, for me they should have stayed for his day; who hath said, *every plant that my heavenly Father hath not planted, shall be plucked up*; but when I have made complaint

of this, it hath been replyed to me by many, that this was not the cause of the engagement in war, though I believe the most considerable part of the people had an eye on this; but this is on the by.

Parag. 12, 13. You take into consideration my Case, of
 "a Captain, engaged by oath to maintain the Priviledges of
 "Towne-men, and keep a town to his power, whether he may
 "not, notwithstanding his oath, make his composition, (if he
 "cannot defend it without the Townes-men; and they will not
 "fight) without violation of his oath? I think none will affirm
 "it. You do not only deny it, but take the Name of God in
 "vain, to make a Jew of it, doth that become a Divine? But
 let's hear your reason; because there's no town in England can
 "have such a priviledge, as not to bear arms against the Kings
 "enemies. Suppose it be so, I am no Lawyer; yet you know
 it is not unusuall in cases, to suppose things that are not, so
 they be not impossible, as this is not; for the king may grant
 such an immunitie if he please, that none shall be compell'd
 to bear arms, and therefore it was but a shift; that error
 in the Case may be easily mended, and it will pinch the Do-
 ctor as hard as ever it did; for suppose that so many of the
 souldiers in the town are slain, or taken prisoners, that the
 Governour can defend it no longer, then I hope Mr. Doctor
 will yield that he may make his composition; so was it with
 the king, at the publishing my small Treatise; and now, not-
 withstanding my former fails (as he saith *Parag. 14.*) for
 want of skill in law; the difficulty is returned on the Doctor,
 get out how he can.

I make an Objection, that though the king cannot in such
 a state uphold them; yet it is in his power not to consent to
 their fall; this, I say, is the only exception. The Doctor
 saith, "it's a just one, though not the only one; yet he shews
 no other: but then he is angry for the phrase, *peremptorinist*,
 "in denying assent to the fall of Bishops, used to the King as
 univ'rsal. I am no Courtier, (I confesse) and may fail in phrase;
 yet peremptorinels in a candid sense, is no more then re-
 luctance, so I mean it: but I will strive hereafter, even in ex-
 pressions, to cut off occasion from them that seek occasion.

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But you say, "*his not consenting to the fall of Bishops, may keep him from sin.*" But you beg the question; for I argue by my instance, in a Governour of a town, that there is no sin in resigning upon composition; and your proof, that it is a sin to consent to abolish Episcopacie, because an ordinance of Christ, waves the bonds of the oath, and argues from the thing; the vanity of which I confuted, when I met with it, Chap. 4.

Parag. 16. You answer, "*though the King cannot save your Mitres, but endanger his own Crown, yet (say you) he shall avoid sin and save his soul, for without consent, no sin.*" Neither in consent is there sin in this case, as I have proved; and then a king, I hope, may do all that may be done, without sin, to save his Crown: but in the mean time, the land may see how tender you are of the king, that rather then you will consent to his signing a Bill when it may save his Crown, he shall lose it. It's a sign you love the Crown for your Mitres sake; and if there must be no Bishops, then let there be no kings neither. Rightlike him in the Tragedie,

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Parag. 17, 18. You examine, "*that I say in a naturall sense, it is in the Kings power to consent to the abrogation of Episcopacie, not in a morall sense, because he cannot now deny without sin;*" the distinction you acknowledg, and say, *it should be the Kings care, that he incline not to sin.* I say so too, he must venture all, rather then sin; and if I thought it were sin, I should chuse death, rather then perswade him to it; but you confidently conclude, *the King breaks his oath, and sins if he consent.* This I deny, the oath engageth not to dissent in this case, as I have proved: yet were Episcopacie an institution of Christ, I confess also, it were sin to abolish it: but I have proved it a brat of humane power; and what man sets up, you confess man may pull down.

But I prove, that the king cannot deny his assent to abrogation of Episcopacy now, without sin, for else such confusion will follow, as is most repugnant to the weal of his people; this confusion we have felt: but what faith the Doctor to this, Parag. 19. "*Thus shall sin vary at your pleasure, sin*"

" *it shall be now, that was none heretofore.* Why Sir, is that strange, that circumstances should change the morality of actions? I am ashamed, that a D. D. of mine own mother Universitie should discover such ignorance in Divinitie. Was it not a thing unlawful in the Apostles time, after the Decree, *Acts 15. to eat things strangled, and blood;* where offence was taken; but cannot you without scruple, now eat a good blood-padding, or a strangled capon? truly, if you cannot, you would get more scorn, then followers, for such a silly fancie.

But you proceed, Parag. 20. "*Where there is no law, there is no transgression.* Is there no law, for a King to tender the weal of his people? yes, sure that that requires him to be honoured as a father; and therefore, if he withholding his assent, occasion the keeping up confusion, repugnant to the weal of his people, undoubtedly there's a law broken, unless there be some superior law to check this. Oh, but Judge *Jenkins saith, its against the oath of the King and Houses, to alter the government for religion.* But I pray you ask, the Judge whether it be against their oaths, to alter the religion, from Popery to Protestancie? (and withall, whether is greater, the religion, or the external government of it? and if without perjury they alter the greater, why may they not the less? "*for the trouble, that the learned in law shall be put to on alteration:* If you compare it with garments rolled in blood, let the Reader judg, whether you be a prudent esteemer of matters.

But you retort, Parag. 21. "*If the King do consent to abrogate Episcopacie, there will follow confusion, repugnant to the weal of his people.* Your reason is, *that there are as many for Episcopacie (Common-Prayer is another business) as against it, though not so mutinous.*

I answer, the danger of confusion is not from the number or quality alone, but also from the power of opposers, which then was very great, and the adverse party weak; therefore your retortion was feeble. I confess, the fins occasion'd by this confusion endanger temporal and eternal weal of people,

people; that's it that makes me so study the healing of it.

Parag. 22, You infer, *that I mean to continue these distractions, unless Episcopacie be abrogated*. But you are mistaken in me; though I have no good conceit of Episcopacie, yet I had rather it had continued, though to my burthen and suffering, then have seen so much sin and misery by an unnatural war; but your expressions carry it, that your minde is so. Episcopacie may be held up: *Sceleris ipsa neque hac mercede placent*. You are as much mistaken in objecting ambition, or avarice to me, as a cause of these evils: I have by Gods grace, followed the dictate of my conscience, above these twenty years, against my civill interest; and I hope, I shall not now become such a slave to lust, to do such a horrid thing to serve it.

You close this Chapter, Parag. 23, 24. *with parallel-ing our present times with the conspiracie of Corah; and when you can prove by Gods Law, such a difference between Presbyters and Bishops, as God made between Priest and Levites, it will give a pretty colour to the business, but as long as Gods Word tells us, that Presbyters are Bishops and Pastors, nor hath he left any distinct orders among Pastors, you may please your self, and credulous followers, with your conceit, but shall not convict those of any guilt, that for peace-sake, move, that man would abolish that difference of order which the wit of man made, and the corruption of man hath made hurtfull. God make the Scepter of the King flourish, but as for your Episcopall Mitres, they have been so stained by those that wear them, that well may they get power, but I believe they will never get beauty and glory in our Israel again.*

Case of Conscience Resolved.

THirdly, I answer, that this Opponent in this Dispute, argues upon this ground, that the supream *jus Dominij*, even that which is above all laws, is in the King: which under favour, I conceive. in our State is a manifest Error. There's a supremacie in the King, and a supremacie in the Parliament. But the supremacie, or the *supremum jus Dominij*, which is over all laws *figere, & refigere*, to make or disanul them at pleasure, is neither in the King, nor in the Houses apart, but in both conjoynd. The King is the supream Magistrate, from whom all power of execution of laws is legally derived. The Parliament is the supream Court, by which all other Courts, which derive their power for execution of laws from the King by his Commissioners, are to be regulated; and the King and the Parliament are the supream power to make and disanul laws. Sith then this *supremum jus Dominij*, that is over all laws, is not in the King. He cannot lawfully make any engagement to any against the laws, and legal rites of others; for that were not *under jure suo, sed alieno*. This oath then to the Clergie cannot engage him against the legal privileges of the people, or the Parliament, which he is bound to maintain, one of which is to be readie, by confirming needful Bills, to relieve them from whatsoever grievance they suffer from any. And thus, I think, the Case is sufficiently cleared, that notwithstanding the Kings oath to the Clergie at his Coronation, he may consent to the extirpation of Prelacie out of the Church of England.

CHAP. XII.

Wherein it is cleared, that though the King be the Supreme Magistrate, yet that Supremacy which is over all laws, is in this Kingdom, not in the King alone, but in the King and Parliament; in Answer to Doctor Boughen's 17. Chapter.

I Come now to your last Chapter, entituled, *Whether there be two Supremacies in this Kingdom?* But why not as well, three? You know I make three supremacies, but two fitted your Bow better, which you had prepared to shoot your Arrows in, even bitter words: But I shal let you see, that as there is more vapour, so more vanitie and lightness in this, then in any other Chapter; and some of it against your own words, and I believe more of it against your own light. First, you begin to tell me, *That I blame them that set up two Supremacies, and yet cannot see the beam in my own eye, and then censure as pleasure.*

Yet all is but winde: I blame them that set up two absolute supremacies, that had power to make laws independantly one of another: onely the Clergie had the better end of the staff; for the Laytie must be subject to their laws, but they would be exempt from the Layties. This I condemned out of *Marsilius Patavinus*, as an enemy to quiet, because such were alwaies apt, and usually in act, clashing one against another. But the supremacies that I speak of, cannot cross one another, so no danger of disturbance. Again, *Doctor*, in sober sadness, do you not know a difference between a supremacy, and the Supremacie? A *D. D.* cannot be so ignorant. You cannot chuse but have learned the difference between *absolute summum*, and *summum secundum quid*. Chiefs, in some respect, may be many, chief absolutely, but one; and when I say, a Supremacie, did not that hint to you onely a Supremacie *secundum quid*, in some respect onely? and yet
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more exprefly, when I call it the fupream Court, that is, fupream, not abfolute: but in refpect of judicature, there lies an appeal from all Courts to it by petition, but from it to none. Is not this a Supremacie? Nay, do not you your felf afcribe as much to it, when you fay, *'This I fay, that the Parliament is Curia Capitalis, the fupream Court of this Kingdom'* Your own words, pag. 136. if Supream, there's fupremacie, *quicquid dicitur de in est in*; it cannot be denominated fupream, but there is fupremacie in it, in fome refpect; *denominatio fit ab inhaſione*; did you not then cavil againſt conſcience at a fupremacie in the Parliament, and raiſe duſt to darken the light?

Parag. 2. After a light quirk, misbecoming a D. D. you ask *'Whether this be not againſt the oath of fupremacy, where- in we ſwear, that the Kings highneſs is the onely fupream Governour of this Land, &c.'* How are my poſitions againſt this oath? Do not I afcribe to the king, to be the onely Supream Magiſtrate? You that could play with *ſummum*, and *ſupremum*; Can you tell us a difference, between Magiſtrate, and Governour? If not, he that afferts the King the fupream Magiſtrate, reacheth the ſence of that oath, which maketh him fupream Governour. Therefore I need fear no humane penalties againſt perjurie, for this; No, Doctor, I hope once, the Lord will not hold him guilty, will more make me dread perjurie, then all other penalties.

Parag. 3. you fay, *I clip his Majeſties wings, and ſay that "the ſupremum jus Domini, which is above laws, figure, & re- figure, is not in the King, to ſay it is in him, is in our State a manifeſt error. What's become of the oath of Supremacy then (ſay you)? Safe enough ſay I, The King remains ſtill fupream Governour; he is ſaid to be onely ſo in government, which notes execution of laws, and ſo doth the phraſes Eccleſiaſtical and Civil; but (you ſay) in your eſtate it is no error.* Sure Sir, in King Charles his Kingdom of England it is an error; in which aſſertion, I ſhould not have been ſo peremptory at firſt, nor now, had I not received this light from his own pen, in his answer to the Parliaments 19. Propoſitions, ſent to him in York-ſhire; where firſt, he tells them, *that*

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that the experience, and wisdom of their Ancestors, hath so moulded our government, out of a mixture of all the three, viz. absolute Monarchy, Aristocracy, and Democracy, as to give to this Kingdom, as far as humane providence can provide the conveniences of all three, without the inconveniences of any one. And then a little after, In this Kingdom, the laws are jointly made by a King, by an House of Peers, and by an House of Commons, chosen by the people, all having free votes and particular privileges. The government, according to these laws, is trusted to the King; See.

Have not I now followed my copy right? the supream power to make laws, is Aristocrati, cal in three States, free to vote, and the King the supream Magistrate to execute laws. One would think, if this would not make you blush for what is past, yet it may stop your mouth for future; and I need not say no more on this point; yet I will give a little touch to show the vanitie of your flourishes.

Your Parag. 4. Is a meer flash, attended with the sparkles of light calumnies; For I have not made one of two, I yet leave one absolute Supremacie, as you confess in the next parag. the Supremacie to make and unmake laws. This is neither in King, nor Houses apart, but conjoynd.

Here then we are fallen back to one Supremacie. Why did you then trifle so much about two? But this (say you) is to skip from Monarchie to Aristocracie; just as his Majestie hath told you, in this government there's a mixture; its Aristocrati, cal in Legis lation, Monarchical for execution; and therein is the excellency of it; the one being fittest for Law-making by solidity; the other for execution by celeritie; and yet this D.D. jeers, as though this was never seen before, because he wanted eyes. But now comes a precious one. He believes it well appears, 'That supremacie over all Laws, to make or disanul them, is in the King alone, at the Petition of both Houses. Ridiculum caput; for its as much as to say, its in the King alone with the help of others; a notorious Bull. That power is in a man alone which he can execute without the concurrence of others; but this the King cannot do, without the Houses manifesting their consent.

sent, and define by Petition. Besides, have you forgot the Statute, your self quoted, pag. 85 *That no Act of Parliam^t ment be passed by any Sovereign of this Realm, or any other authority whatsoever, without the advice and consent of the three Estates of the Kingdom; &c. Opartes te esse memorem.*

But you will come to *Scriptures, Fathers, and moderne Authors*, as *Parag. 6.* "Peter ascribeth *supremacie* to the King, 1 *Pet.* 2. 13, 14. But that is clearly, as I have said, as *Supream Magistrate*, to whom others are subordinate, and this admonition must be with limitation too, where Kings are *supream*. You do not think that the Apostle doth level all Kings, and give them all one equal *supremacie*; No, the Apostle had no power, nor would not attempt, to alter the constitution of Nations. Now *Grotius* will tell you; some Kings are not *supream*. Those of *Athens* were under the power of the people, those of *Lacedemon*, under the *Ephori*. See *Grot.* *de jure bel. & pac. lib. 1. cap. 2. parag. 8.* The sentences out of *Fathers*, which you quote, *parag. 6.* and *7.* speak of absolute Monarchs, which you ignorantly, or flatteringly, say ours is; but our King denies it, calling our government, a mixture of all the three, and a regular Monarchie. Collect. of Declar. &c. pag. 320. 321. And that sentence cited by you out of *Grotius* will confute you; *Thms* "the *supream* civil power, *cujus actus alterius juri non sub-* " *stant.* Whose acts are not subject to another mans censure; For those acts that any do by the Kings *authoritie*, are the Kings acts; and the Parliament hath power to disanul these acts, and punish these agents, as the King informeth, Collect. of *Ramoustr.* pag. 321. to shew, the compleatness of our government. Our Law indeed (saith the king) can do no wrong; that is, he cannot work, but by Agents: and the law takes no notice of him in it, but of the Agents, to punish them.

But you proceed, *Parag. 8.* Now (say you) you rely "upon the Laws of the Land, then upon the Word of God. But I believe therein you speak against your conscience; what you produce, that the king is the *supream Head*, is no

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more then what I ascribe to him, to be supream Magistrate, and in that he is alone, and the head one; and therefore the *Bill of two Supremacies*, you speak of, is but a *Calf of your own fancies*.

What you say, *Parag. 9. 10. 13. Touching the Parliament* being subjects, and petitioning to him as subjects, and that *Bills are not in force without him*. I confels: but these onely denie that supremacie in the Parliament, which I never asserted: but do not assert the supremacy in the king, to make, or un-make laws, without them. Therefore all this is trifling.

Par. 11 You ask, "What supremacie can be in that Court, what cannot lawfully Convene, till the King summon them? There is this; The supremacie of a Court, as you confels, to be the supream Court; that is, there is no appeal from them, but appeals from all Courts to them: and you know, they can reverse decrees in Courts, which the King cannot; he can pardon, not reverse sentences. They can reverse Verdicts, but not pardon offenders."

You add *Parag. 12. The King is to regulate them for the time*. I acknowledge it: this Parliament onely excepted, by a particular Statute, made in this Parliament with the Kings assent. And for the manner, The king himself saith, they are free, and have priviledges of their own. For the great *Lawyers judgement*, you speak of, in *Richard the 2. time*, That if any in Parliament proceed upon other Articles, or in other manner then is limited by the King, &c. they are "to be punished as Traytors."

I wonder, you will mention it, sith that great Lawyer was flattering *Treflyan*, who by such ill-Counsel helped to overthrow his Sovereign: and in a Parliament, held in the 13. year of *Richard 2.* was for this, by the Lords in Parliament, condemned to be hanged, drawn, and quartered, which was presently executed on him, as our *Historians* shew.

Your Collections, *Par. 14.* were disproved before: what you say "for the Kings regulating Courts of justice. You mistake, the Law is their rule, and that regulates them, which if they trans-

transgress, he may punish them: but the law they are sworn to follow, against any private instructions of his; thats clearly known.

You sum up *your arguments*, Parag. 15. But they are all short of your conclusion: for they conclude not against the Parliaments, being a supream Court, which is all I assert, and you confels in the following page: Nay, in this page, parag. 17. and what you have, parag. 16. 17. 18. 19. 20. Are superfluous: For they onely concludet he King to be supream Magistrate, but exclude not the Parliament from being the supream Court; you say, *but yet it is the Kings Court*. I deny it not; I denie him onely to be above it, in the capacite of a Court, though it sit by his writ: Therefore all you do here, is, *but tis de lana caprina*, meer trifling.

And as captious a conceipt is that, that you conceive not "*They have power to make and alter laws at pleasure; for there is great danger in altering laws without urgent cause.*" Who doubts it? What need you, prove it? But to make up want of proof in things to be proved? Who knows not, that wisdom and moderation in Law-makers, is to regulate that power, that they may put forth upon any, that they put it not forth, but upon just occasion?

Parag. 22. You infer, *If the King cannot do any thing against the legal rights of others, so nor Parliaments.* True; they ought not to over-rule or alter the rights of other, but for the publike good; but for that they may; you know there were many had legal rights in offices in Star-Chamber, and yet for publike good, the King condescended to a Bill of abrogation.

Parag. 23. You tell us, *The King is above law.* That is, say you, *Common-law*. But this is your fiction; for the King saith, he is a regular Monarch, that is regulated by laws, so in a sence, under them. The common custom of our Nation is, that actions may be commenced against the King at the Common-law; therefore you speak against experience, in saying, that the king is above the Common-law; which appears also, in that the Judges of the Common, as well as Statute-law, are sworn not to denie, or delay justice to any, for any

Letter, or Prohibition of the King. And though his taking the Parliament is the joynt assistance of making laws, makes not them supream: yet it hinders that Supremacie of law-making from being solely in him, sith he can do nothing without them.

For *Parag.* 24. I would not brand you, nor delude the people, as your object; But only seek to give a rational fence of the kings oath, which they that oppose, brand themselves. I disbelieve, what I expres'd in my good conceit of the prelates Bishops tenderness to preserve the King from hazzard; but if they be all of your minde, I see I am deceived for: let the Crown, or life of king, sink or swim; he shall have no consent from you to enlarge his conscience, to consent to abolish Episcopacie, for the safeguard of either.

For *Parag.* 25. 26. I desire no more, then what the king should give every one his own, preferring the publike before any private. I confess the kings readines to confirm Bills, such and so large, as never were the like; but yet I know, and you know, what danger the king and land hath been, and is in, for want of consent to let down Episcopacie: And in this exigent wherein we are, by the corruption of man, I humbly give my advice, to promote Peace, and prevent much of that blood, and misery, which for want of peace still continues; and threatens worse to the Church (I confess) then either the want or presence of Bishops.

But your Sun must set under a Cloud, and therefore, *Parag.* 17. you tell me, He that slayeth a Prelate, to whom he owes faith and obedience, its Treason: you amplify, If it be Treason to kill a Prelate, then how much greater to kill Prelate. *Negatur Argumentum* egregie D. D. It follows not; for he that kills a Bishop, kills a man, and he hath Gods Image stamp'd on him. But Episcopacy, as I have shewed, is but *in* a reputation, an inhumane creature; so he may be removed regularly, without any injury to God. Besides, you consider not that Bishop is a concrete word, including a man and Episcopacy, *Concretum relativum*, as the Logicians call it. But Episcopacie is an abstract: your similitude onely holds true, as it were worse to kill the species, then one man; so

to abolish Episcopacy; then to degrade our Bishops; If either were evil. But in a regular way, I have showed you both are good; therefore, as I fear not your law, so I doubt not of Gods approbation, being conscious to my sincere intentions, for the good of King and kingdom in it.

For your Conclusion, *Parag. Vlt.* I must munde you, that it cannot be better then the Premises, *Canctissimo Spiritu deterruerunt partem.* Therefore I may conclude, *That would the abolition of Episcopacy make our place, far as unto blood, rapine, misery:* The king may with safety and approbation do it. But if God be not pleased to persuade his heart so far; If that moderation that he would bring them to, would satisfie others: I think, as the case stands, they may do innocently, and commendably, to close with him. Yea, I think, those, who upon a serious consideration of the over-flowing of all sin, with an high hand, shall yield first; (that some governments may be settled in the Church, Laws recover their power in the Common-wealth, sin be prevented, Justice and amity revived) they will be most acceptable to God, and ought to be so with men.

Deo gloria.

Finis

Or. James.

For our
Postscript.

THe sentence, you, after all, cite out of Doctor Burges, I may not pass over. "Observe the plagues of such men, as are neuer touch'd with the miseries of others: They commonly fall under the same punishments which others unpitied, have tasted before. I thank God, this toucheth not me; for I have neither caused, nor been senceless of the miseries of others. But have not many poor Ministers been silenc'd, turn'd

turn'd out of all, for things which others counted trifles, and might have forborn them in, but they scrupled at as sins, and could not submit? And have they not past unpitied by many Prelates and Prelatical men? I speak not of my own Diocesan, whom I found most pittiful, and would not be slack to requite it, with active sympathie, upon good opportunity. But Doctor, you know what pitty you vouchsafe them in this Treatise. *Nothing but Schismatics, and Hereticks, justly ejected, &c.* Therefore now, with Josephs Brethren, consider how you have been in a fault concerning your Brethren, Gen. 42. 21. 22. and give glory to God, that he may lift you up, which I heartily wish and beg of God; and so Doctor, fare you well.

*Glorious & Right on earth
Bear good will to men.*

Errata.

Page 17. line 17. read officers. page 18. line 24. dele and, p. 24. l. 10. x. p. 24. put in the margin against line. 7. 8. 9. Apol. cap. 32. p. 37. l. 31. dele or. p. 49. l. 25. r. by. p. 61. in title of the chapter for explanations, r. exclamations. p. 70. l. 2. for me, r. men, p. 75. l. 14. for can r. cannot, p. 95. l. 17. for one, r. me. p. 100. l. 2. for cause, r. cause. p. 104. l. 24. for uncrull, r. crull. p. 108. l. 10. r. This must arise. p. 112. l. 28. r. diminishing. p. 114. l. 20. r. Salvatoris, p. 116. l. 9. r. 4. So Episcopacy, p. 119. l. 18. read summe.

